

Chapter 325

ZONING

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[HISTORY: Adopted by the Board of Trustees of the Village of Canton 12-15-2021 by L.L. No. 3-2021.¹ Amendments noted where applicable.]

1. Editor's Note: This local law also repealed former Ch. 325, Zoning, adopted 11-10-1975 by L.L. No. 5-1975 as Ch. 148 of the 1975 Code, as amended 9-20-1982 by L.L. No. 5-1982, 3-7-1984 by L.L. No. 2-1984, 6-27-1984 by L.L. No. 9-1984, 8-3-1987 by L.L. No. 1-1987, 8-17-1988 by L.L. No. 4-1988, 8-17-1988 by L.L. No. 5-1988, 2-20-1990 by L.L. No. 1-1990, 2-19-1991 by L.L. No. 2-1991, 10-26-1998 by L.L. No. 19-1998, 4-12-1999 by L.L. No. 3-1999, 8-21-2000 by L.L. No. 11-2000, 11-20-2000 by L.L. No. 14-2000, 5-20-2002 by L.L. No. 3-2002, 5-20-2002 by L.L. No. 4-2002, 7-21-2003 by L.L. No. 8-2003, 6-27-2006 by L.L. No. 1-2006, 6-27-2006

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by L.L. No. 2-2006, 6-27-2006 by L.L. No. 4-2006, 6-27-2006 by L.L. No. 5-2006, 6-27-2006 by L.L. No. 6-2006, 1-16-2007 by L.L. No. 1-2007, 1-16-2007 by L.L. No. 2-2007, 4-16-2007 by L.L. No. 11-2007, 9-17-2007 by L.L. No. 18-2007, 9-17-2007 by L.L. No. 19-2007, 12-30-2008 by L.L. No. 6-2008, 1-20-2009 by L.L. No. 1-2009, 1-20-2009 by L.L. No. 2-2009, 2-17-2009 by L.L. No. 5-2009, 11-16-2009 by L.L. No. 11-2009, 11-16-2009 by L.L. No. 13-2009, 1-18-2011 by L.L. No. 1-2011, 1-31-2011 by L.L. No. 2-2011, 1-31-2011 by L.L. No. 3-2011, 1-31-2011 by L.L. No. 4-2011 and 9-21-2015 by L.L. No. 1-2015.

ARTICLE I
Title and Purpose

§ 325-1. Title.

This chapter shall be known and may be cited as the "Village of Canton Zoning Law."

§ 325-2. Authority.

The Board of Trustees of the Village of Canton (Village Board) is authorized to enact this chapter by the authority and power granted by Village Law § 7-700 and Municipal Home Rule Law Article 2, § 10, of the State of New York (NYS).

§ 325-3. Applicability.

- A. This chapter applies to all buildings, structures, lands and uses over which the Village has jurisdiction. Where this chapter is more restrictive than other local, state and federal laws, regulations or ordinances, the provisions of this chapter shall supersede.
- B. Except as hereinafter provided, no new building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered, unless in conformity with this chapter and the Uniform Building and Fire Prevention Code.
- C. All uses, structures and lots lawfully existing at the time of adoption of this chapter shall be allowed to continue pursuant to Article XI of this chapter.

§ 325-4. Purpose and intent.

- A. The Village of Canton Zoning Law is intended to guide growth, preservation, adaptive reuse and redevelopment in a manner that implements the vision and goals of the Canton Comprehensive Plan and other adopted planning and development initiatives. The guiding principles of this chapter are:
 - (1) Strengthening Canton's proud identity as the hub of St. Lawrence County by enhancing waterfront resources while supporting downtown reinvestment; ensuring that Canton's accessible downtown promotes a vibrant, active community for residents and visitors of all ages and income levels; building on opportunities for recreation, agriculture, heritage-based tourism, the arts and Canton's educational institutions.
 - (2) Expanding opportunities for employment and entrepreneurship by supporting local businesses and innovation; leveraging Canton's central location in St. Lawrence County to create a cultural and economic center by providing quality infrastructure and technology, expanding existing businesses and enhancing housing options to attract active community members and skilled employees.
 - (3) Enhancing environmental, fiscal and economic resiliency through sound, deliberate and efficient sustainable practices; supporting local government efficiency and the application of smart growth techniques to achieve long-term community resilience.
 - (4) Supporting a transportation system that is consistent with the Village Complete Streets Policy of providing a system that is safe, convenient and accessible to people of all ages and abilities, with walkable downtowns, diverse transit options and bicycle-friendly streets.

§ 325-5. Delegation of authority.

Whenever a provision of this chapter refers to the Code Enforcement Officer, Village Attorney, Director of Economic Development or Planning, or any other officer of a department of the Village, the provision shall be construed to authorize such official to designate, delegate and authorize other persons to undertake and to provide for the enforcement and administration of such functions.

ARTICLE II
Permit and Approval Process

§ 325-6. Permits required; types of approval.

- A. No development may be commenced within the Village prior to the issuance of all relevant permits or approvals.
- B. Violations and unpaid fines, bills and taxes.
- (1) No application pursuant to this chapter shall be processed if there is a violation of the Municipal Code of the Village of Canton (Village Code) on the lot or building that is the subject of the application, until the violation is abated, unless the application is necessary to abate the violation.
- (2) No application under this chapter shall be processed without proof that all taxes, water bills, fines related to violations of the Village Code and all other fees payable to the Village from the applicant or the owners are paid in full.
- C. Types of approvals.
- (1) Building permits and certificates of occupancy. The issuing, posting and expiration of building permits and the issuance of certificates of occupancy will be done according to Chapter 118, Building Construction, of the Village Code and Article XV, Administration and Enforcement, of this chapter.
- (2) Planned development districts. All planned development district applications shall be subject to the provisions of Article X.
- (3) Sign permit. All sign permit applications shall be subject to the sign regulations contained in Article IX, Signage.
- (4) Site plan approvals. Site plan review and approval shall be required for all proposed uses except agriculture, single- and two-family dwellings and their accessory uses other than major home-based businesses. The site plan review and approval process is provided in Article XII.
- (5) Special use permits. All special use permit applications shall be subject to the special use permit provisions of Article XIII and may be subject to the site plan review provisions of Article XII.
- (6) Variances. All area and use variances shall be subject to the provisions of Article XIV.
- (7) Zoning permit. Any change of use, building erection, relocation, or alteration of outside dimensions, or excavation for any building shall require a zoning permit as provided in Article XV.
- D. Change of use or structure. A change of use is the initiation of a use that is in a different use category, as listed in Schedule A of this chapter,² from the existing use of the site or structure. A change of ownership, tenancy or occupancy, or a change from one use to another within the same category, shall not be considered a change of use.
- (1) Uses by right. Any change of use of land or existing structures to a use permitted by right without site plan review shall not require approval from the Planning Board but shall require a

2. Editor's Note: Schedule A, Permitted Uses, is included as an attachment to this chapter.

zoning permit.

- (2) Uses by right subject to site plan review. Any change of the use of an existing structure to a use permitted by right subject to site plan review as provided in § 325-89, shall require site plan review to ensure all requirements related to the new use are being met on site.
- (3) Uses by special use permit.
 - (a) A special use permit shall be required for any change of use from a use that does not require a special use permit to a use that does require a special use permit.
 - (b) Once a special use permit has been granted, it shall run with the land and apply to the approved use and to all subsequent owners, tenants and occupants engaged in the same use. The special use permit shall also apply to any subsequent use of the property in the same use category, provided that such use has no greater impact on adjoining properties, complies with all terms and conditions of the special use permit, and does not involve new construction, enlargement, exterior alteration of existing structures, increased parking or other changed use of outdoor areas. Any change to another use allowed by special use permit shall require the granting of a new special use permit or a special use permit amendment.
- (4) Rebuilding, replacement and expansion of structures. The rebuilding or replacement on the same footprint of any structure for a use which requires site plan review and/or a special use permit shall require site plan review, even if it is a continuation of the same use.

§ 325-7. Fees and expenses.

- A. Fees required by this chapter shall be paid upon application submission.
- B. Fees related to this chapter shall be set forth in a fee schedule established by the Village Board. The Village Board shall also have the power to amend the fee schedule, from time to time, in its discretion when circumstances warrant such changes.

§ 325-8. Professional assistance.

The Planning Board or Zoning Board of Appeals may, at its discretion, engage the services of planning, engineering, legal, environmental or other professional consultants, at the expense of the applicant, for the review of applications involving significant issues beyond the scope or complexity of normal review. The Planning Board and Zoning Board of Appeals may require costs to be paid in advance into an escrow account to be held and managed by the Village and may deny an application upon failure of the applicant to make such payment in a timely manner. The Village Attorney shall establish the terms of the account in consultation with the Planning Board and/or the Zoning Board of Appeals and shall provide a monthly accounting of the escrow account to the applicant and provisions for further funding of the escrow account when the balance is drawn down to a specified amount.

§ 325-9. Performance bond.

To ensure the completion of required public infrastructure and other improvements, such as but not limited to roads, stormwater infrastructure, landscaping, lighting, signage, trails, parks or other improvements required by the Planning Board, the Planning Board, may require, as a condition of approval, a performance bond or other security in such form and from a source acceptable to the Village Board in an amount sufficient to cover the estimated cost of completion of the improvements. Such bond or other acceptable

form of security shall comply with the requirements of § 7-725-a of the NYS Village Law relating to performance bonds and other securities.

§ 325-10. Compliance with Environmental Quality Review Act.

The Village shall comply with the provisions of the NYS Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the NYS Codes, Rules and Regulations. Upon receipt of any complete application, the Village or any officer, department or board of the Village shall initiate the NYS environmental quality review process by issuing a determination of significance.

§ 325-11. Referrals under General Municipal Law.

Site plans, special use permits, variances and other planning and zoning activities shall be referred to the St. Lawrence County Planning Board in accordance with the criteria and procedures of §§ 239-l, 239-m, 239-n and 239-nn of the NYS General Municipal Law.

§ 325-12. Public hearing and meeting notification process.

- A. All notices of public hearings and meetings shall be posted and published in accordance with NYS Public Officers Law Article 7, Open Meetings Law (§ 104.)
- B. Notifications of public hearings related to site plan review, special use permits, subdivisions, variances and appeals shall be conducted in the following manner:
 - (1) Such public hearing shall be advertised in the Village's official newspaper or, if there is none, in a newspaper of general circulation in the Village, at least 10 days before the public hearing.
 - (2) The Planning Board or Zoning Board of Appeals shall send a notice of such public hearing by standard U.S. mail to all property owners within 100 feet of the property affected by the proposed application, including properties on the opposite side of the street or highway.
 - (3) If the land involved in an application is within 500 feet of the boundary of any other municipality, a notice of the public hearing shall be provided to the municipal clerk of such other municipality as required by NYS General Municipal Law § 239-nn.

ARTICLE III
Establishment of Zoning Districts and Map

§ 325-13. Establishment of districts.

A. The Village is hereby divided into the following zoning districts:

- (1) Open Space-Recreation (OS-R): This district supports important public open space and recreational areas. The intent of this district is to maintain these areas as critical community amenities.
- (2) Residential-Single Family (R-SF): This district supports the Village's predominantly single-family residential neighborhoods supported by compatible services with traditional village scale, pedestrian orientation and neighborhood character. It is the intent of this district to preserve these characteristics.
- (3) Residential-Multifamily (R-MF): This district supports the Village's more densely settled residential areas that provide a variety of housing options and supporting community services. The intent of the district is to support these uses and preserve the historic scale and character of the Village. These areas are adjacent to mixed-use areas providing services within walking distance of residential units supported by attractive tree-lined streetscapes, public spaces and pedestrian and bicycle amenities.
- (4) Neighborhood Mixed Use (NMU): This district supports areas of moderate-density residential and community-supported commercial uses. These areas are characterized by mixed-use neighborhoods that are walkable and connected to adjacent residential neighborhoods and commercial areas. It includes a variety of neighborhood-scale businesses and services that meet the needs of the surrounding community. While the character of the NMU areas may vary, it is intended to be pedestrian-oriented with an attractive streetscape and amenities such as small parks. In some areas, identity is already well established through architecture and streetscape, while in others identity will be shaped by future planning decisions.
- (5) General Mixed Use (GMU): This district supports a mix of commercial, community services and residential uses located in areas that have historically been more commercially oriented or are more recently planned for or developed into larger-scale projects, including multifamily projects adjacent to planned commercial projects. These uses generate important tax revenue, yet also create opportunities for future commercial activity and neighborhood services as infill or reuse activities. The scale and character of these areas is more flexible as they often represent redevelopment or new development extensions of the Village. In areas where development is an extension of the Village, the establishment of a safe, multimodal street network for pedestrian and bicycle transportation to connect these new areas to the Village is anticipated.
- (6) Educational-Campus (E-C): This district supports the unique settings and uses of the educational campuses while ensuring compatible integration of use, scale and character with their surroundings and neighborhoods.
- (7) Main Street (MS): This district supports the Village's historic Main Street, supporting land uses and development reflective of its tradition as a vibrant hub of activity and commerce, historic architecture and walkability. Uses are intended to provide opportunities to activate the street level, enhance tax base and provide entertainment, retail and service activity in a concentrated area. This area includes mixed-use buildings with residential and office uses focused on upper floors. The historic architectural character, density and scale of the streetscape and buildings

along Main Street are intended to be protected from incompatible infill development.

- (8) **Downtown Mixed Use (DMU):** This district supports the core of the Village downtown adjacent to Main Street. This area functions as a transition from Main Street to more residential land uses and includes a vibrant mix of retail, commercial, high-density residential, office and civic space in a compact, walkable area with multimodal transportation options. The DMU is characterized by mixed-use buildings and/or blocks with architecturally interesting facades, streetscape design with room for street trees, sidewalks, benches and other amenities that make the streets pedestrian friendly and create spontaneous opportunities for community interaction. The district also supports mid-rise residential projects and mixed-use projects incorporating housing above nonresidential uses.
 - (9) **Corridor Commercial (CC):** This district represents areas of auto-oriented commercial uses that offer necessary services to residents and visitors. This district is utilized on the larger transportation corridors which are, in some cases, transitional areas between the traditional historic village settlement and more modern, auto-oriented uses and site development. While the uses may tend to be auto-oriented, it is the intent of this district that the design of development encourage multimodal access, including pedestrian and bicycle amenities and infrastructure to enhance the safety, access and connectivity of these corridors to adjacent neighborhoods.
 - (10) **Technology, Business and Light Manufacturing (TBL):** This district supports areas with flexibility in allowable land uses to meet changing industry and market need. Technology-based business, small-scale manufacturing, start-up business, incubators and accelerators are among the types of use appropriate for these areas.
- B. **Overlay districts.** The purpose of overlay districts is to protect important resources and community characteristics within a specific geographical area of the Village. Overlay districts do not change the use and dimensional requirements of the underlying land use districts unless specifically so stated. They do impose specific requirements that must be followed.
- (1) **Historic District Overlay (HDO) District.**
 - (a) The purpose of the HDO is to protect the historic and heritage resources of the Village downtown. Historic and heritage resources are part of the community's physical and visual environment. Protection of these resources serves not only to enhance the physical and aesthetic environment of the community, but also encourages public knowledge and understanding of Canton's past and fosters civic and neighborhood pride and sense of identity.
 - (b) The properties of the HDO District are defined in § 325-21 of this chapter.
 - (2) **Waterfront Overlay (WO) District.**
 - (a) The purpose of the WO is to provide a layer of protection on the Grasse River corridor for the purpose of preserving natural, scenic and historic values of the riverfront by regulating uses and development activity that could impact water quality and increase erosion and sedimentation and supporting compatible land uses enhanced by a waterfront location.
 - (b) The requirements of the WO District are provided in § 325-22 of this chapter.
- C. **Planned Development Districts.** The purpose of the Planned Development District (PDD) is to delineate areas of the Village that may be appropriate for a specific project or development where

creative planning and design would be necessary. PDDs allow development matched to the unique characteristics of the site and allow innovative development techniques that might not otherwise be possible through strict application of standard use, area, bulk and density specifications.

§ 325-14. Establishment of Zoning Map; interpretation of boundaries.

- A. The areas and boundaries of the zoning districts are established to scale as shown on the map entitled "Village of Canton Zoning Map," adopted and certified by the Village Clerk and herein referred to as the "Zoning Map." This Zoning Map, together with everything shown thereon, is hereby adopted and declared to be a part of this chapter, the Village of Canton Zoning Law. All amendments to the district boundaries that are authorized by local law immediately upon the effective date of such local law shall be delineated by the Village Clerk on the Zoning Map, indicating the title and date of the local law.
- B. Interpretation of district boundaries. Where uncertainty exists with respect to the boundaries of any districts as shown on the Zoning Map, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, lakes, reservoirs or other bodies of water shall be construed to follow such center lines.
 - (2) Boundaries indicated as approximately following Village limits shall be construed as following such Village limits.
 - (3) In all cases where a district boundary line is located no farther than 15 feet away from a lot line of record, such boundary shall be construed to coincide with such lot line.
 - (4) Where a district boundary line divides a lot in single ownership at the time of adoption of this chapter, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
 - (5) In other circumstances not covered by the rules above, the Code Enforcement Officer shall interpret the district boundaries and this determination may be appealed to the Zoning Board of Appeals pursuant to Article XIV.

ARTICLE IV
Use Regulations

§ 325-15. Permitted, accessory and prohibited uses.³

- A. No structure or land shall be used for any use except as permitted in Schedule A: Permitted Uses, of this article and overlay districts as provided in Article VI. See Article XVII for definitions of each use category.
- B. Permitted uses by right. All principal and accessory uses listed in Schedule A shall be permitted by right in the zoning district where the use is listed as permitted, provided that all other requirements of this chapter are met, including site plan review as may be required. All permitted uses are indicated in Schedule A with a "P."
- C. Permitted uses with a special use permit. Uses requiring a special use permit shall be permitted upon issuance of a special use permit by the Planning Board. All special use permit uses are indicated in Schedule A with an "SU."
- D. Prohibited uses. In addition to the prohibited activities of Chapter 221, Nuisances, of the Village Code, any use not listed in Schedule A: Permitted Uses, of this chapter as a principal or accessory permitted use is deemed prohibited unless such principal or accessory uses are expressly permitted elsewhere in this chapter or a use variance is granted in accordance with the provisions of this chapter.
- E. Accessory uses.
 - (1) Uses listed in Schedule A under the category "Accessory Uses" are permitted where the use is listed as permitted, but shall be subordinate or incidental to a permitted principal use listed in Schedule A.
 - (2) In the OS-R, R-SF or R-MF District, permitted accessory uses shall only be those listed under the category "Accessory Uses" in Schedule A and shall meet the requirements of § 325-17E and other provisions of this chapter.
 - (3) In the NMU, GMU, MS, DMU, CC and TBL Districts, all uses listed as "Principal Uses" in Schedule A may be an accessory use to another permitted use. See also Subsection G below.
- F. Supplemental requirements of certain uses. This chapter includes supplemental requirements for certain uses as provided as a cross-reference on Schedule A to Article VII, Supplemental Use Regulations. Notwithstanding the provisions of this article, all other lot development standards and supplemental regulations shall be met and are considered part of the definition of what is permitted as of right or with a special use permit.
- G. Mixed-use buildings and lots. The mixing of compatible uses on a lot or within a building is supported and permitted. Any requirement in this chapter applying to a use individually must still be met.

§ 325-16. (Reserved)

3. Editor's Note: See Schedule A, Permitted Uses, included as an attachment to this chapter.

ARTICLE V
Lot Dimensional and Development Standards

§ 325-17. Lot development standards for principal uses.⁴

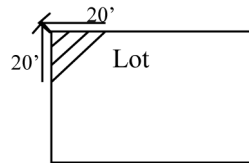
- A. No lot shall be developed except as provided in this section, Schedule B: Lot Dimensional Standards, and as may be required for lots located within an overlay district as provided in Article VI.
- B. Principal uses.
 - (1) Regulations governing lot size and lot width; front, side and rear yard setback requirements; height and maximum allowable impervious surfaces for principal use development in each district are specified in Schedule B: Lot Dimensional Standards, and are supplemented by the regulations in this article and other sections of this chapter. (See Article VIII, Supplemental Site Development Standards.)
 - (2) Any construction physically attached to a principal building, including attached by means of a breezeway or a roofed passageway with open or latticed sides, is deemed to be part of such principal building in applying regulations.
 - (3) Front yard setback exceptions. The required front yard setback minimum and/or maximum for a vacant lot may be adjusted to the average of the front yard setbacks of the adjacent improved lots.
- C. Undersized lots of record. Lots of record at the time of adoption of this chapter that are less than the minimum lot size and lot frontage required shall be deemed to meet the minimum size regulations of this chapter. Nothing contained herein shall prohibit the use of an undersized lot of record, provided all other area and bulk regulations for that district shall be met, and that there is no further subdivision of the lot.
- D. Heights of buildings.
 - (1) The height requirements for all principal buildings and uses are provided in Schedule B, with the following exceptions:
 - (a) Roof-level features such as spires, belfries, cupolas, or domes not used for human habitation, chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, green or blue roof systems, water tanks or necessary mechanical appurtenances usually located on the roof level shall be excluded from calculating height. Flagpoles, monuments, transmission towers and cables, radio and television antennas or towers, and similar structures shall also be excluded from the height limits of this section but may otherwise be regulated in this chapter. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure that extends above the height limitations.
 - (b) Agricultural buildings. Silos and agricultural buildings are exempt from the height limitations.
 - (c) Wireless communications towers, wind energy systems and similar structures shall meet the height requirements as otherwise provided in Article VII of this chapter.

4. Editor's Note: See also Schedule B, Lot Dimensional Standards, included as an attachment to this chapter.

- E. Maximum number of principal dwellings on lot. No more than one principal dwelling shall be permitted on a lot, except in the E-C District and as otherwise permitted in Schedule A for certain types of residential housing, including townhouses, residential care facilities and community residential.⁵
- F. Corner lots. On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot, and the owner shall designate the rear yard on the application for a permit. The Zoning Board of Appeals shall determine the yard and building width of a corner lot facing an intersecting street and of record at the time of the passage of this chapter, if the yard requirements would result in a residential structure less than 24 feet wide.
- G. Through lots. Where a lot extends through from street to street, the applicable front yard setbacks in Schedule B: Lot Dimensional Standards, shall apply on all street frontages.
- H. Projections into yards.
- (1) Terraces and patios. A terrace or patio constructed with any material may be included as part of the yard in determination of yard size and setbacks; provided, however, that such terrace or patio is supported by or in contact with the ground, is unroofed and without walls or parapets. Such terrace or patio shall not project into any yard to a point closer than six feet to any lot line.
 - (2) Porches and decks. No porch or deck may project into any required yard/setback. Roofed porches or decks shall be considered a part of the building in determining the size of yard or impervious surface coverage.
 - (3) Projecting architectural features (horizontal). The space in any required yard shall be open and unobstructed, except for the ordinary projection of a roof; provided, however, that such features shall not project more than two feet into any required yard/setback.
 - (4) Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard/setback a distance not to exceed six feet.
- I. Transitional yards.
- (1) Lots in two districts. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot may extend not more than 30 feet into the more restricted portions, provided the lot has frontage on a street in the less restricted district.
 - (2) Yard requirements for zoning districts abutting residential zones. Where the corner lot of a GMU, CC or TBL Zoning District fronts on a street that is otherwise residential and zoned R-SF and R-MF, yard requirements for the frontage on such residential street shall be the same as required for the R-SF and R-MF Districts.
- J. Visibility at intersections. On a corner lot in any district except the MS and DMU Zoning Districts, no fence, wall, hedge, sign or other structure or planting, more than three feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are 20 feet from the point of intersection, measured along said street lines. The height of three feet shall be measured above the curb level, if any, or above the existing road level. The front yard setback requirements for fences of § 325-31 shall

5. Editor's Note: Schedule A is included as an attachment to this chapter.

apply in the MS and DMU Zoning Districts. In no event, however, shall a hazard to traffic be erected or maintained.



§ 325-18. Lot development standards for accessory uses and structures.

- A. Applicability. All accessory structures at least 100 square feet in size and accessory uses permitted in Schedule A: Permitted Uses,⁶ shall meet the standards of this section.
- B. Height. The maximum height of accessory buildings shall be 20 feet, except that there shall be no height limitation on barns, silos and other farm structures.
- C. Location of accessory buildings, structures and uses.
 - (1) Accessory buildings located in the MS and DMU Zoning Districts may only be erected within the rear yard in accordance with the following requirements:
 - (a) Rear yard: five feet from side or rear property line; except when abutting an alley, 10 feet.
 - (b) Rear yard, street side of a corner lot: same as for principal building.
 - (c) Not closer to a principal or accessory building than 10 feet.
 - (2) Accessory buildings located in the R-SF, R-MF, NMU, GMU, CC and TBL Zoning Districts shall meet the following requirements:
 - (a) Front yard: Accessory buildings shall not be located in the front yard.
 - (b) Side yard: shall comply with the side yard requirements for the principal building to which they are accessory.
 - (c) Shall not be closer to any real property line than 10 feet.
 - (3) Other customary accessory uses and structures, such as, but not limited to, pools and jungle gyms, not otherwise addressed in this section or other provisions of this chapter shall meet the following requirements:
 - (a) Location and setbacks.
 - [1] Front yard: Accessory uses and structures shall not be located in the front yard.
 - [2] Side yard: ten-foot setback.
 - [3] Side yard, street side of corner lot: Setbacks shall be the same as for a principal building.

6. Editor's Note: Schedule A is included as an attachment to this chapter.

- [4] Rear yard: five-foot setback from the side or rear property line; when abutting an alley, 10 feet.
- [5] Not closer to a principal or accessory building than 10 feet.
- (b) Off-street parking shall meet the parking location standards of § 325-55G.
- (c) Fences, hedges and walls shall meet the requirements of § 325-17J above and § 325-31.
- (d) Signage shall meet the setback requirements of § 325-17J above and Article IX.
- (e) Accessory refuse storage areas shall meet the requirements of § 325-53.

§ 325-19. through § 325-20. (Reserved)

ARTICLE VI
Overlay District Standards

§ 325-21. Historic District Overlay District.

- A. Purpose. The purpose of the Historic District Overlay (HDO) is to protect the historic and heritage resources of the Village downtown. Historic and heritage resources are part of the community's physical and visual environment. Protection of these resources serves not only to enhance the physical and aesthetic environment of the community, but also encourages public knowledge and understanding of Canton's past and fosters civic and neighborhood pride and sense of identity. The HDO includes properties based on the following criteria:

- (1) Properties in the Village's downtown listed on the National Register of Historic Places.
- (2) Properties not in the National Register district boundary but in the adjacent area that: are identified as having historic, architectural, cultural or aesthetic significance; are located in reasonable proximity to the registration area; are maintained and developed in a manner that will avoid the loss of intrinsic features or character; avoid new design, alteration, improvement or development which is incompatible with or damaging to historic fabric; avoid negative aesthetic impacts due to new construction; and protect such properties which may be threatened by the forces of change.
- (3) Other areas within the Village may be identified as having special character or historical, architectural or aesthetic interest or value which should be protected in furtherance of the public interest.

- B. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them below, unless the context or the provision clearly requires otherwise:

ALTERATION — Any exterior change or modification of a property, including but not limited to exterior changes to or modifications of structure, architectural details or visual characteristics, grading, surface paving, painting or resurfacing to a different color or material, the addition of new structures, removal or alteration of natural features, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, walls, fences, steps or gates affecting the exterior visual qualities of the property; does not include landscaping and ordinary maintenance.

DESIGN — The combination of details or features of a building or structure.

EXTERIOR ARCHITECTURAL FEATURE — The architectural elements embodying style, design, general arrangement and components of all the outer surfaces of an improvement, including but not limited to the kind and texture of building materials and the type and style of windows, doors, lights, signs and other fixtures appurtenant to such improvement.

HISTORIC DISTRICT — The Canton Historic District, being the distinct section or sections of the Village designated as an Historic District pursuant to this section. Said Historic District shall be defined in terms of geographic boundaries as shown on the map maintained in the office of the Village Clerk and titled "Downtown Properties Included Within Historic District" and any amendments thereto. Said Historic District shall be further defined in terms of geographic boundaries as shown on any supplemental maps filed with the office of the Village Clerk, which shall reflect additions of property within said district.

IMPROVEMENT — Any building, structure, parking facility, fence, gate, wall, work of art or other appurtenance or addition thereto constituting a physical betterment of real property, or any part of such betterment.

C. Property included in the HDO.

- (1) Notwithstanding the inclusion of the HDO on the Zoning Map, the boundary of the district shall include the following properties:
 - (a) Those properties listed on the National Register of Historic Places on May 6, 1975, which comprise the area otherwise known as the "Village Park Historic District." These properties include:
 - [1] 103 through 123 Main Street.
 - [2] 127 Main Street.
 - [3] 3 East Main Street (Silas Wright House).
 - [4] 3 1/2 East Main Street (Unitarian Universalist Church).
 - [5] 5 East Main Street (First Baptist Church and parsonage).
 - [6] 1 Park Place.
 - [7] 2 Park Place.
 - [8] 3 Park Place.
 - [9] 7 Park Place.
 - [10] 8 Park Street.
 - [11] 14 Park Street.
 - [12] Benton Memorial Library;
 - (b) Those properties listed on the National Register of Historic Places on September 29, 1983, which comprise the area otherwise known as the "Village Park Historic District (Boundary Increase)":
 - [1] 7 through 100 Main Street (north side of Main Street).
 - [2] 70, 76, 80 and 90 Main Street (south side of Main Street);
 - (c) The Park, which comprises part of the area otherwise known as the "Village Park Historic District," and which is bordered by Main Street on the north, Park Place on the east and south, and Park Street on the west;
 - (d) The property listed on the National Register of Historic Places on November 17, 1988, at 100 Main Street (United States Post Office building);
 - (e) Willow Island and Falls Island; and
 - (f) All other property on Main Street, East Main Street, West Main Street, Park Place, Park Street, Court Street, Hodskin Street and Riverside Drive that is included within the boundaries of the map titled "Downtown Properties Included Within Historic District," which shall be filed with the office of the Village Clerk.
- (2) Property other than that described in Subsection C(1) above may become part of the Historic

District. There shall be no requirement that the property be contiguous to property then part of the HDO.

- (a) The determination as to whether a property shall be included within the Historic District shall be made by the Village Board.
- (b) Application to the Village Board for the inclusion of property within the Historic District may be made by any of the following:
 - [1] The property owner may request the inclusion of the property within the Historic District.
 - [2] The owners of at least 60% of the recorded lots within a specific geographic section of the Village may request designation of the entire section as part of the HDO.
 - [3] The Village Board may, by resolution, refer a proposed designation to the Planning Board for its recommendation.
 - [4] The Planning Board may recommend the inclusion of specific property within the HDO.

D. Standards for properties in the district.

(1) Property maintenance.

- (a) The owner, occupant or the person in actual charge of property located within the HDO shall keep and maintain in good condition and repair all exterior portions thereof (including front, back and side exterior walls and facades) and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature or natural feature.
- (b) Except as may be specifically conditioned or excepted thereby, said standards and regulations shall apply to all exterior portions of any building or structure (including front, back and side exterior walls and facades) within the HDO. Except as may be specifically conditioned or excepted thereby, said standards and regulations shall also apply to any interior portion of such building or structure that may be viewed from the outside, and the regulation of which has a reasonable relation to the purposes and objectives identified by this section.

E. Building maintenance and rehabilitation standards for maintaining structures in the HDO. The purpose of these standards is to maintain compatibility with the character, and to protect the historic, architectural, cultural and aesthetic significance, of buildings and structures within the Canton Historic District.

(1) Applicability. The standards of this Subsection E apply to all buildings in the HDO.

(2) Exterior painting and siding of buildings.

- (a) The colors that may be used on the exterior of buildings and visible roofs shall be chosen from among the selection of colors accepted by the Village Board. The selection of approved paint colors (paint chips) shall be maintained and made available by the Code Enforcement Officer. The selection of approved paint colors may be updated from time to time by the Village Board.

- (b) The applicant for a permit to alter the exterior color(s) of a building shall provide the Code Enforcement Officer with a color photograph of the building to be painted and paint chips of the proposed new colors.
 - (c) High-gloss paints and fluorescent colors shall not be allowed on a building exterior.
 - (d) Unpainted exterior brick or stone shall not be painted or concealed. Painted exterior brick or stone shall not be concealed.
 - (e) No permit shall be required for exterior repainting with the same color(s). However, a permit shall be required for exterior repainting either with a different color(s) or with the same color(s) used in any different pattern or proportionality.
 - (f) Any change of exterior construction materials, including siding, must be reviewed and approved by the Planning Board. No vinyl, metal or aluminum siding shall be permitted for use on any building.
 - (g) Any new construction or exterior remodeling shall have the building faced with red brick or other noncombustible building material appropriate to the building.
- (3) Windows and doors.
- (a) Windows and doors shall not be diminished in size from the original; however, windows with rounded tops may be squared off.
 - (b) Window frames and door frames shall have paintable surfaces.
 - (c) New aluminum combination storm/screen windows or doors shall not be permitted.
 - (d) Any plastic covering over windows or doors shall not be allowed, except for emergency temporary repairs.
- (4) Any restoration of exterior areas shall include replacement of cornices when needed to be consistent with neighboring buildings, unless they are shown to have been architecturally unique initially.
- (5) No neon signs shall be installed or displayed on the outside wall or facade of any building or structure. No neon sign shall be visible from the inside of any window of any building or structure larger than 20% of the total glass area of the side of the building or structure on which said neon sign is to be placed.
- (6) No external antennas shall be mounted on any building or structure, except upon the rooftop of such building or structure.
- (7) No outside air conditioning or heating unit that may be viewed from the street shall be allowed unless it is located upon the rooftop or on the ground floor in the rear of a building or structure.
- (8) No handicapped-accessible ramp or walkway shall protrude or extend into or upon the sidewalk in the front of any building or structure. However, a handicapped-accessible ramp or walkway may be located at the back or side of a building.

F. Planning Board site plan review and permitting process.

- (1) Except as otherwise exempted by the provisions of Article XII, Site Plan Review, of this chapter, all land use activities within the HDO shall be subject to site plan review. No new

construction, exterior alteration or improvement or demolition of any building or structure or portion thereof shall be undertaken except pursuant to review and approval by the Planning Board and a permit issued by the Code Enforcement Officer.

- (a) Nothing herein shall prevent the demolition and clearance of any building or structure the Code Enforcement Officer determines to pose a clear and present danger to health and safety.
 - (b) Nothing herein shall be construed to prevent the ordinary maintenance, landscaping or repair of any exterior feature in or upon any property located within the HDO that does not involve a change in design, material or the external appearance thereof.
- (2) An application for a permit pursuant to this section shall be filed with the Code Enforcement Officer and shall contain the name and address of the applicant, the owner of the property in question, the address of the property in question, and a photograph and Site plan drawn to scale of the property in question, together with a full description of the work proposed, including color or material samples and, where feasible, architectural drawings and elevations.
 - (3) The application shall contain information on the proposed work as it relates to adjacent properties, including photographs, if possible. In the case of a proposed alteration or proposed improvement of an existing building or structure, the applicant shall provide any available information concerning the history and prior appearance of the property, including any available drawings and photographs. Where the application is for demolition or removal of a building or structure, a detailed statement of the necessity for demolition or removal, together with photographs of the structure to be demolished or removed, shall be provided.
 - (4) The Code Enforcement Officer shall be authorized to issue a permit approving paint colors for use in the painting of a building or structure within the HDO.
 - (5) The Planning Board shall review all other applications, with the exception of paint colors, for the construction, exterior alteration or improvement, or demolition of any building or structure or portion thereof. Planning Board approval and Code Enforcement Officer issuance of a permit shall be authorized if it is determined that:
 - (a) The proposed work is consistent with the purposes and objectives of this section;
 - (b) The proposed work does not adversely affect the character of the building or structure, nor of the surrounding HDO; and
 - (c) In the case of construction of a new building, structure or other improvement, the exterior of such improvement will not adversely affect and will be compatible with the external appearance of the other properties in the HDO.
 - (6) Notwithstanding the foregoing, an application for a permit to conduct any proposed work upon a property located within the HDO may be approved if the applicant presents clear and convincing evidence demonstrating that a disapproval of the application will create immediate and substantial hardship on the applicant (not of the applicant's making) because of conditions peculiar to the person seeking to carry out the proposed work or because of conditions peculiar to the particular improvement, building, structure, topography or other feature involved. If a hardship is found to exist, the Code Enforcement Officer or Planning Board, or Village Board on appeal, shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such finding.

- (7) The application shall be submitted and determined as follows: The Planning Board shall review the application with reference to the criteria identified in this section. As part of its review, the Planning Board shall consult with the Village Historian. Within 30 days after referral of an application, the Planning Board shall report, in writing, to the Code Enforcement Officer its evaluation of the proposed work in relation to the criteria stated in this section. If the proposed work is acceptable, the Planning Board shall approve the application and authorize issuance of the permit by the Code Enforcement Officer. If the proposed work is rejected by the Planning Board, the report shall state the reasons for rejection, and may recommend how the proposed work can be modified to make it acceptable. If the applicant agrees, in writing, to modify the proposed work as recommended by Planning Board, the permit shall be issued by the Code Enforcement Officer. The Planning Board's written decision shall be provided to the applicant and shall be filed with the office of the Village Clerk and the office of the Code Enforcement Officer.

§ 325-22. Waterfront Overlay District.

A. Purpose:

- (1) To ensure that development and land or water use activities occur in harmony with the environmental and ecological systems of the Grasse River as identified in the Canton Waterfront Revitalization Plan.
- (2) To promote the maintenance and/or extension of public access to the river in a manner that is compatible with the primary purpose of a proposed development or activity.
- (3) To encourage appropriate and safe water surface use on the river.
- (4) To preserve, to the maximum extent practical, the existing vegetation and natural features along the Grasse River and to prevent, as much as possible, erosion, sedimentation and problems with drainage both during and after construction.

B. Applicability. All provisions of the underlying zoning districts remain in full force, except where provisions of the WO District differ. In such cases, the more restrictive provision shall apply. The principal control mechanisms of the WO District are construction setbacks from the water line, restrictions on the removal of natural vegetation within an established buffer zone adjacent to the water, and performance standards governing land use activities within the district.

C. Permitted uses; prohibited uses.

- (1) All uses permitted in the underlying zoning districts as established in Schedule A: Permitted Uses,⁷ shall be permitted in the WO, except as prohibited in Subsection C(3) below.
- (2) In addition to the uses permitted in the underlying zoning districts as established in Schedule A: Permitted Uses, the following additional uses are permitted within the WO District:
 - (a) Boat slips and docks.
 - (b) Temporary boat docking facilities.
 - (c) Launch ramps and cartop boat launching facilities.

7. Editor's Note: Schedule A is included as an attachment to this chapter.

- (d) Fishing piers or docks.
- (3) The following uses are specifically prohibited within the WO District:
 - (a) Bulk fuel storage.
 - (b) Bulk industrial chemical storage or processing.
 - (c) Freight or truck terminals.
 - (d) Junkyards and solid waste disposal or processing facilities.
 - (e) Mineral extraction or surface mining.

D. Development standards.

- (1) Setback requirements.
 - (a) The minimum setback from the high water mark of the Grasse River shall be 50 feet horizontally away from, and paralleling, the river.
 - (b) Structures of a retail or service business demonstrated to be water-dependent or water-related may be authorized to be located within the required setback with an approved special use permit; however, the Planning Board shall have the authority to impose additional conditions as may be warranted.
- (2) Maximum impervious surface coverage. All buildings and other areas of impervious surface shall not exceed 70% of lot coverage.
- (3) Viewshed protection.
 - (a) Maintaining existing river viewsheds shall be considered in siting new development.
 - (b) Existing visual access from public spaces and view corridors shall be maintained.
 - (c) Massing of riverfront buildings shall not exceed 100 feet in length parallel to the shoreline of the river. There shall be an opening of at least 30 feet between buildings to provide unobstructed view corridors to the river.
- (4) Docks and water surface use.
 - (a) Not more than one dock shall be permitted per residence.
 - (b) Commercial uses. Docking requirements are flexible based upon the following considerations: parking adequacy, river width and navigation at location.
- (5) Parking, fences and signs shall not detract from water views and are subject to regulations contained in this chapter.
- (6) Public access.
 - (a) Development shall not interfere with or in any way prohibit, hinder or discourage the public use of waterfront trails.
 - (b) New development must consider opportunities for trail linkages as identified in the Canton Grasse River Waterfront Revitalization Plan, the Grasse River Blueway Plan, the Canton

Master Trail Plan and other initiatives. Any easement or trail construction should accommodate a pedestrian walkway or pathway having a width of at least 10 feet along the length of and abutting the Grasse River shoreline.

- (7) Protection of riparian area vegetated buffer. Riparian areas shall be maintained with a natural vegetation strip on each parcel or lot between the normal high water mark of the river and a point 25 feet from and perpendicular to the normal high water mark. The vegetative strip shall be maintained or established by adherence to the following requirements:
- (a) No clear-cutting shall be allowed.
 - (b) Selective thinning is permitted but should not exceed 35% of the number of trees six inches in diameter at 4 1/2 feet above the ground, or larger, in a ten-year period. Additional trees may be removed if the property owner or applicant can demonstrate one or more of the following conditions:
 - [1] It is clearly necessary for traffic safety.
 - [2] It is clearly necessary for the development of an approved principal or accessory use or building, street, sidewalk, paved area, driveway, stormwater facility, utility or sewage system.
 - [3] It is within 25 feet of the foundation of an approved structure.
 - [4] It is diseased, dead or poses a clear danger to public safety, a structure, utility or public improvement.
 - [5] It is related to agricultural activities, such as orchards or cultivation activities.
 - (c) Existing soil and organic matter shall not be altered or disturbed within the vegetation strip except in connection with an activity otherwise permitted.
 - (d) No structures shall be permitted within the vegetation strip, with the exception of docks, boat ramps, bulkhead, pump houses, utilities, pervious walkways, and elevated walkways that provide the property owner with reasonable access to the water. Park-related furnishings (benches, picnic tables, pavilions, refuse containers, etc.) and vehicular parking areas shall be permitted, if associated with public recreation areas or public access to the river.
 - (e) No potentially polluting material, including but not limited to lawn clippings, leaves, garbage, refuse containers, junk cars, junk appliances or toxic materials, may be dumped or stored within the natural vegetation strip. The vegetation strip shall not contain commercial or industrial storage or display, manufacturing or processing activity, loading and unloading areas or vehicular parking areas.
 - (f) Where there is no preexisting natural vegetation, new development requiring Planning Board approval pursuant to this section or site plan review shall include vegetation that shall screen the proposed development from the water and any existing waterfront trails or pathways. The width of this revegetated strip should be at least 25 feet from the high water mark of the river. The plant material should consist of indigenous trees and shrubs.
 - (g) Reasonable efforts shall be taken during construction to ensure that trees protected by this section are not accidentally injured or removed, including root compaction by equipment

or change in grade level. The developer shall replace any protected trees that are destroyed or injured with mature trees of similar diameter.

(8) Protection of water quality.

- (a) There shall be no disturbance of existing federal and state wetlands as identified by the NYS Department of Environmental Conservation located within this WO District unless appropriate mitigation measures are defined and approved pursuant to a permit from the NYS Department of Environmental Conservation and US Army Corps of Engineers.
- (b) Stormwater and sedimentation control shall be guided by the most recent standards of the NYS Standards and Specifications for Erosion and Sediment Control and the NYS Stormwater Management Design Manual.

§ 325-23. (Reserved)

ARTICLE VII
Supplemental Use Regulations

§ 325-24. Accessory dwelling units.

- A. In the R-SF Zoning District, one accessory dwelling unit is permitted meeting the following requirements and the requirements in Subsection B below:
 - (1) The accessory dwelling unit shall be located within the principal dwelling.
 - (2) The principal dwelling shall be owner-occupied.
- B. In the R-MF and GMU Zoning Districts, accessory dwelling units may be located in a principal or accessory structure, but shall not exceed 700 square feet when located in an accessory structure.
- C. The lot containing the accessory dwelling must contain the minimum acreage required by Schedule B: Lot Dimensional Standards,⁸ and shall not be an undersized lot of record at the time of adoption of this chapter.
- D. All accessory dwellings must have continuous, permanent masonry foundation, unpierced except for required ventilation and access installed under the home. The foundation shall be aesthetically compatible with the building.
- E. All accessory dwellings shall be connected to municipal water and sewer.
- F. The accessory unit shall be entirely self-contained, with separate cooking, sanitary and sleeping facilities for the exclusive use of the accessory unit's occupant(s).

§ 325-25. Adult uses.

- A. Purpose. The purpose of these supplemental regulations is to mitigate the potential secondary adverse effects that an adult use may have on adjacent land uses and neighborhoods. Such activities may be deleterious to the health, welfare and well-being of residents and could adversely impact and endanger adjacent land uses. The purpose of this section is to regulate the establishment of such adult use businesses within close proximity of residentially zoned areas, Village boundaries, schools, playgrounds, youth centers and religious institutions, and to minimize said effects.
- B. General requirements.
 - (1) No adult use shall be located within 100 feet of any existing residential use owned area or municipal boundary.
 - (2) No adult use shall be located within 300 feet from any religious institution, school, park, playground, youth center or location where children traditionally congregate.
 - (3) No adult use shall be located within 500 feet of another such use.
 - (4) Only one sign shall be permitted visible from the exterior of a building that is occupied by an adult use business, and such sign shall be no larger than six square feet, nor shall the sign consist of any material other than plain lettering. No sign shall have any photographic or artistic representations whatsoever thereon. All such signs shall be in compliance in all other respects with the sign regulations of Article IX.

8. Editor's Note: Schedule B is included as an attachment to this chapter.

- (5) All openings, entries, windows, doors, etc., to an adult use facility shall be located, covered or screened in such a manner as to prevent a view into the interior from any public place.
- C. Measurement of distances. For purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises for an adult use business to the nearest property line of land upon which is situated a school, religious institution, park, playing field, library or other recreational facility where numbers of minors regularly congregate.

§ 325-26. Agricultural uses.

- A. Applicability. The following additional standards apply to the following agricultural uses, whether they are the principal or an accessory use on a lot.
- B. Animal husbandry.
 - (1) The keeping of fowl and other animals is subject to Village Board approval as provided in Chapter 98, Animals, § 98-2 and § 98-3, of the Village Code and the requirements of this section.
 - (2) In all instances, all animals shall be adequately housed, fenced and otherwise maintained in a sanitary and safe manner so as, on the finding of the Code Enforcement Officer, not to create a nuisance, health or safety hazard to nearby property, property owners or inhabitants of the neighborhood or the animals themselves.
 - (3) The slaughtering of animals on-site is prohibited and is not part of agriculture as defined in this chapter.
 - (4) Keeping of chickens.
 - (a) Roosters are prohibited.
 - (b) Chicken coops are only allowed in rear yards; and must be at least 10 feet from any building used for dwelling purposes and 10 feet from any lot line.
 - (c) The chickens, coops and cages must be adequately maintained to control odor and prevent infestation.
- C. Community gardens.
 - (1) Compost materials shall be stored at least 10 feet from the property line and in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure), controls odor, prevents infestation and minimizes runoff into waterways and onto adjacent properties. For community gardens, waste shall be collected regularly by the municipality. Gardeners shall ensure that containers are placed in a specified location to assist the municipality in waste removal.
 - (2) The following accessory uses and structures shall be permitted: sheds for storage of tools, limited in size to 200 square feet, benches, bike racks, raised/accessible planting beds, compost or waste bins, picnic tables, fences, garden art and rain barrel systems.
- D. Greenhouses.
 - (1) Personal-use greenhouses.

- (a) A greenhouse used to grow products for on-site consumption is permitted in the R-SF, GMU, E-C, CC and TBL Zoning Districts.
- (b) Accessory greenhouses shall only be located in a rear yard.
- (2) Commercial greenhouses.
 - (a) A commercial greenhouse as a principal building shall only be permitted in the TBL Zoning District.
 - (b) Commercial greenhouses may be accessory uses and structures in the GMU and CC Zoning Districts and shall only be located in the rear yard. If the greenhouse is part of, or attached to, a primary structure, the greenhouse portion of the structure shall be located on the side or rear.
 - (c) All greenhouses shall be evaluated for light pollution as part of any permitting process and may require shades or prohibit use of grow lights during certain times at the discretion of the Planning Board and Code Enforcement Officer.

E. Keeping of bees.

- (1) The number of hives is limited to two per 10,000 square feet of lot area; no beehive shall be kept on lots smaller than 2,400 square feet in area.
- (2) Ground-mounted beehives are permitted only in rear yards and must be located a minimum of five feet from any lot line and 10 feet from any dwelling.
- (3) All honeybee colonies must be kept in removable frame or top bar hives.
- (4) When a beehive is located within 25 feet of a lot line, a flyway barrier of a minimum of six feet in height is required, located within five feet of the hive and extending at least two feet on either side of the hive. The flyway barrier must be made of a fence, tarp or dense vegetation to effectively prompt bees to fly at an elevation at least six feet above ground level.
- (5) A convenient source of water must be available to the bees from March 1 through October 1.

F. Aquaculture shall only be permitted in the TBL Zoning District.

§ 325-27. Auto wash (car wash) establishments.

- A. This section applies to any auto wash established as a permanent use. This section does not apply to temporary auto wash activities sponsored by schools, nonprofit organizations or groups for the purposes of raising money for designated events.
- B. In addition to meeting the minimum yard and lot coverage requirements, any auto wash establishment shall be subject to the following regulations:
 - (1) Shall not be closer than 200 feet to a residential district.
 - (2) In addition to meeting the motor vehicle off-street parking and loading requirements of § 325-55, shall provide five stacking spaces per bay on the lot to prevent the waiting of automobiles in the public street.
 - (3) Ingress and egress shall be designed to minimize traffic congestion; and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Planning Board

as part of site plan review.

- (4) The premises shall not be used for the sale, rent or display of automobiles, trailers, mobile homes, boats or other vehicles unless one of these uses is the permitted principal use on the lot and the auto wash is an accessory use to that principal use.

§ 325-28. Battery energy storage systems.

- A. Purpose. The standards of this section for battery energy storage system installation and usage have the following objectives:

- (1) To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- (2) To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems; and
- (3) To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM — An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM — One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a standalone twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 battery energy storage system as follows:

- (1) Tier 1 battery energy storage systems have an aggregate energy capacity less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- (2) Tier 2 battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

BATTERY(IES) — A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, that can charge, discharge and store energy electrochemically. For the purposes of this section, batteries utilized in consumer products are excluded from these requirements.

CELL — The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store and deliver electrical energy.

COMMISSIONING — A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING — A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the Uniform Code, and complies with the following:

- (1) The building's only use is battery energy storage, energy generation and other electrical grid-related operations.
- (2) No other occupancy types are permitted in the building.
- (3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test and repair the battery energy storage system and other energy systems.
- (4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage systems, provided the following:
 - (a) The areas do not occupy more than 10% of the building area of the story in which they are located.
 - (b) A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL) — A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC — National Electrical Code.

NFPA — National Fire Protection Association.

NON-DEDICATED-USE BUILDING — All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NONPARTICIPATING PROPERTY — Any property that is not a participating property.

NONPARTICIPATING RESIDENCE — Any residence located on nonparticipating property.

OCCUPIED COMMUNITY BUILDING — Any building in Occupancy Group A, B, E, I, R, as defined in the Uniform Code, including but not limited to schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels and houses of worship.

PARTICIPATING PROPERTY — A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate), regardless of whether any part of a battery energy storage system is constructed on the property.

UL — Underwriters Laboratory, an accredited standards developer in the United States.

C. Applicability.

- (1) The requirements of this § 325-28 shall apply to all battery energy storage systems permitted, installed or modified in the Village after the effective date of this chapter, excluding general maintenance and repair.
- (2) Modifications to and retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this § 325-28.

- (3) Tier 1 battery energy storage systems shall be permitted as an accessory use in all zoning districts when they are enclosed in a building and are used to store energy for a principal use on the property. These systems shall be subject to the Uniform Code and are exempt from Planning Board review. Examples of Tier 1 systems include: a battery bank installed in a residential garage to store energy collected from a dwelling's solar panels; a battery bank installed in the basement of an institutional, government or office building (e.g., university library, hospital, government offices).
- (4) Tier 2 battery energy storage systems shall be permitted in the TBL and E-C Zoning Districts with an approved special use permit and site plan from the Planning Board, with the following exception:
 - (a) No Tier 2 battery energy storage system shall be located within 200 feet of a residential lot located in an R-SF, R-MF, NMU, GMU, DMU or MS Zoning District.

D. General requirements.

- (1) A building permit shall be required for installation of all battery energy storage systems.
- (2) All battery energy storage systems, all dedicated-use buildings as defined in this section, and all other buildings or structures that contain or are otherwise associated with a battery energy storage system and subject to the Uniform Code and/or the Energy Code shall be designed, erected and installed in accordance with all applicable provisions of the Uniform Code, Energy Code and all applicable provisions of the codes, regulations and industry standards as referenced in the Uniform Code, the Energy Code and the Village Code.

E. Special use/site plan application submission requirements. For a Tier 2 battery energy storage system, the special use permit and site plan applications shall be reviewed together by the Planning Board. In addition to the special use permit and site plan and application requirements of Articles XII and XIII, the following information shall be included:

- (1) A three-line electrical diagram detailing the battery energy storage system layout, associated components and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
- (2) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.
- (3) Name, address and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information for the final system installer shall be submitted prior to the issuance of a building permit.
- (4) Commissioning plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a NYS-licensed professional engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Code Enforcement Officer or reviewing board prior to final inspection and approval and

maintained at an approved on-site location.

- (5) Fire safety compliance plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- (6) Operation and maintenance manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information, and shall meet all requirements set forth in the Uniform Code.
- (7) Erosion and sediment control and stormwater management plans prepared to NYS Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- (8) Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS-licensed professional engineer.
- (9) Emergency operations plan. A copy of the approved emergency operations plan shall be given to the system owner, the local fire department and local fire code official. A permanent copy shall also be placed in an approved location near the entrance of the facility to be accessible to facility personnel, fire code officials and emergency responders. The emergency operations plan shall include the following information:
 - (a) Twenty-four-hour contact information of facility personnel and system owners;
 - (b) Procedures for safe shutdown, de-energizing or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock and personal injuries, and for safe start-up following cessation of emergency conditions;
 - (c) Procedures for inspection and testing of associated alarms, interlocks and controls;
 - (d) Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure;
 - (e) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment and controlling and extinguishing the fire;
 - (f) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required;
 - (g) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility;
 - (h) Other procedures as determined necessary by the Village to provide for the safety of occupants, neighboring properties and emergency responders, including but not limited to periodic inspections by the Code Enforcement Officer; and
 - (i) Procedures and schedules to conduct drills and training for local first responders on the

contents of the plan and appropriate response procedures.

- (10) Decommissioning plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:
- (a) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers and transmission lines from the site;
 - (b) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations;
 - (c) The anticipated life of the battery energy storage system;
 - (d) The estimated decommissioning costs prepared by an independent, third-party NYS-licensed professional engineer, and a description of how said estimate was determined;
 - (e) The method of ensuring that funds will be available for decommissioning and restoration;
 - (f) The method by which the decommissioning cost will be kept current;
 - (g) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
 - (h) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

F. Development standards.

- (1) Downwind from residential areas. Tier 2 battery energy storage systems shall be downwind from adjacent residential areas according to prevailing wind patterns to minimize the risk of exposure to toxic chemicals that may be released in the event of system failure.
- (2) Height. Tier 2 battery energy storage systems in a dedicated-use building shall comply with the building height limitations for principal structures of the underlying zoning district.
- (3) Setbacks. Tier 2 battery energy storage systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- (4) Noise. The one-hour average noise generated from the battery energy storage systems, components and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall and/or the property line of any nonparticipating residence or occupied community building. Applicants may submit equipment and component manufacturers' noise ratings to demonstrate compliance. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

- (5) Fencing requirements. Tier 2 battery energy storage systems, including all mechanical equipment, shall be enclosed by a six-foot-high solid fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
 - (6) Screening and visibility. Tier 2 battery energy storage systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping or other screening methods that will harmonize with the character of the property and surrounding area and not interfere with ventilation or exhaust ports.
 - (7) Vegetation and tree cutting. Areas within 10 feet on each side of Tier 2 battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground covers, shall be permitted to be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
 - (8) Hazardous waste containment. All Tier 2 electrochemical battery energy storage systems in a dedicated-use building shall include an impermeable foundation and containment perimeter to prevent hazardous waste from contaminating surrounding land and water resources.
 - (9) Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
 - (10) Signage.
 - (a) A sign with twenty-four-hour contact information of facility personnel and system owners shall also be posted near the front entrance of the facility. The signage shall be in compliance with American National Standards Institute I Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems and twenty-four-hour emergency contact information, including reach-back phone number.
 - (b) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 - (11) Utility lines and electrical circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way. Any utility lines installed above ground on agricultural land in a NYS-certified Agricultural District shall provide a minimum clearance of 18 feet as measured between the lowest point of the utility line and finished grade so as to minimize interference with agricultural equipment that may be used in the surrounding area. The installation of guy wires should be avoided as they interfere with the operation of agricultural equipment.
- G. Decommissioning fund. The owner and/or operator of the energy storage system shall continuously maintain a fund or bond payable to the Village, in a form approved by the Village, for the removal of a Tier 2 battery energy storage system, in an amount to be determined by the Village, for the period

of the life of the facility. This fund may consist of a letter of credit from a NYS-licensed financial institution. All costs of the financial security shall be borne by the applicant.

H. Safety standards for battery energy storage systems.

(1) System certification.

- (a) Battery energy storage systems and equipment shall be listed by a nationally recognized testing laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment), with subcomponents meeting each of the following standards as applicable:

- [1] UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power, and Light Electric Rail Applications).
- [2] UL 1642 (Standard for Lithium Batteries).
- [3] UL 1741 or UL 62109 (Standard for Inverters and Power Converters).
- [4] Certified under the applicable electrical, building and fire prevention codes as required.

- (b) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.

- (2) Battery energy storage systems, components and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
- (3) Site access. Site access shall be maintained, including snow removal, at a level acceptable to the local fire department and local ambulance corps.
- (4) Emergency response training. Upon project completion and annually for the life of the project, the applicant shall schedule and coordinate emergency response training with facility personnel, fire code officials, emergency responders, and allow the St. Lawrence County Emergency Management Office to tour the battery energy storage system and review implementation of the procedures outlined in the facility's emergency response plan.
- (5) Emergency response equipment. In the event it is not available, the applicant shall be responsible for purchasing equipment and materials needed for emergency responders to implement procedures outlined in the facility's emergency response plan. Items may include, but are not limited to, air monitors, ventilators and fans, and fire suppression.

I. Ownership changes. If the owner of a Tier 2 battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided the successor owner or operator assumes, in writing, all of the obligations of the special use permit, site plan approval and decommissioning plan. A new owner or operator of the Tier 2 battery energy storage system shall notify the Code Enforcement Officer of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Code Enforcement Officer in writing. The special use permit and all other local approvals for the battery energy storage system shall be void if a new owner or operator fails to provide written notification to the Code Enforcement Officer in the required time frame. Reinstatement of a void special use permit will be

subject to the same review and approval processes for new applications under this section.

J. Permit time frame and abandonment.

- (1) The special use permit and site plan approval for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for construction. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 24 months after approval, the Village may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.
- (2) The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Village may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 battery energy storage system and restoration of the site in accordance with the decommissioning plan.

§ 325-29. Commercial excavation.

A. Applicability. The following excavation activities are permitted meeting the standards of Subsection B below with site plan approval; no other excavation or extraction operations are permitted:

- (1) Excavation operations from which fewer than 1,000 tons or 750 cubic yards, whichever is less, of a mineral are removed for sale, exchange or other use during a twelve-month period.
- (2) Excavation or grading operations that may exceed the removal of 1,000 tons or 750 cubic yards of material conducted solely in aid of on-site development or agricultural activities and where an exemption from a mined land reclamation permit for such activity has been approved by the NYS Department of Environmental Conservation.

B. Standards.

- (1) In addition to providing the data required of a plat subdivision per the subdivision regulations of Chapter 280, Subdivision of Land, § 280-11, a site plan shall be provided that includes all existing and proposed grades, stockpile, equipment storage areas, haul roads, and other information that the Planning Board finds prudent. A detailed engineer's report with sequencing narrative shall also be prepared before an application can be entertained.
- (2) Proper erosion and sediment controls shall be kept and maintained in place continuously until stabilization is achieved per requirements contained in the stormwater pollution prevention plan (SWPPP).
- (3) Removals shall take place during weekdays only from 7:30 a.m. to 5:00 p.m., excluding the following holidays: Christmas, New Year's Day, Thanksgiving, Independence Day, Memorial Day and Labor Day.
- (4) On-site gravel and overburden will be utilized for all on-site construction first, with excess material only being removed from the site.
- (5) Vehicular traffic should be limited to confined areas to avoid over-compaction of potential recharge areas. Portions of these confined areas that are not directly beneath proposed buildings and/or driveways shall be adequately scarified to promote recharge. When reclaiming and/or landscaping disturbed areas, only permeable soils shall be utilized. Preventive measures must

also be taken, per the SWPPP, to prevent the migration of fine-grained materials, during and after construction, into the recharge areas. It is recommended that revegetation occur soon after removal and grading in an ongoing and concurrent manner, especially if the areas in question are not planned to be reclaimed by construction in the very near future.

- (6) No on-site screening or crushing of materials shall be allowed without express written authorization by the Planning Board. A detailed site plan showing the locations and specifications of any such proposed equipment shall be submitted to the Planning Board in advance of considering same.
- (7) The Planning Board may impose such conditions as it deems prudent and reasonable to protect the general welfare of the community and quality of project proposed. The Planning Board may also retain a landscape architect, professional engineer or other specialists at the applicant's expense to assist in reviewing and monitoring such projects.
- (8) A surety bond may be required by the Planning Board to adequately cover the cost of reclamation, to remedy violations and/or to repair damage caused to local roads.
- (9) Topsoil sufficient for reclamation shall be stored in an approved area on premises.
- (10) No on-site burial of any materials shall be allowed.
- (11) The processing of any materials, if so approved, shall be limited to products produced on the premises.
- (12) Approvals may be withdrawn if any conditions of same are violated after 30 days' written notice. Continuance of work after approvals are withdrawn shall be a violation of Village Law.

§ 325-30. Drive-through window facilities.

- A. Due to potential impacts on traffic volume, vehicular and pedestrian circulation and the environment, the following additional standards are required for the permitting of drive-through windows.
 - (1) Site location criteria. The site of the drive-through window shall meet all of the following criteria:
 - (a) The use shall not substantially increase traffic on streets in R-SF and R-MF Zoning Districts.
 - (b) The site shall be adequate in size and shape to accommodate said use and to accommodate all yards, parking, landscaping and other required improvements.
- B. General design standards. All the following must be provided for the primary use to be granted a building permit for a drive-through window:
 - (1) Lighting. All lighting on the exterior of the building shall be of an indirect nature, emanating only from fixtures located under canopies or hoods, under eaves of buildings and at ground level in the landscaping. Freestanding pole lights shall not exceed a maximum height of 14 feet and shall be so arranged and shielded that there shall be no glare or reflection onto adjacent properties or public rights-of-way.
 - (2) Signs should be placed and waiting lanes should be designed so that waiting cars do not block sidewalks or public streets.

- (3) Landscaping, waiting-lane devices and overall design should not prevent vehicles from safely and efficiently leaving waiting lanes.
- (4) Traffic circulation.
 - (a) A traffic study addressing both on-site and off-site traffic and circulation impacts is required.
 - (b) Pedestrians should be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lanes, when practicable.
 - (c) Waiting lanes shall accommodate the following number of cars to be in a queue or stacked based on the use:
 - [1] Fast-food restaurants and coffee shops: sufficient to accommodate a minimum queue of eight vehicles.
 - [2] All other drive-through windows: sufficient to accommodate a minimum queue of four vehicles.
 - (d) Waiting lanes shall be designed for the maximum length possible. At a minimum, waiting lanes should accommodate average peak monthly traffic flow, allowing 20 feet per vehicle. Applicants must provide data about the peak flows of the business to determine the minimum waiting needed.
 - (e) The waiting lane shall be independent of any on-site parking, parking maneuvering areas, public streets or traffic ways serving other on- and/or off-site uses.
- C. Site plan requirements. In addition to the general requirements for site plan review, drive-through window site plans must include the following features:
 - (1) Design and placement of signs to ensure that they facilitate the safe and smooth flow of traffic.
 - (2) Details of pedestrian and vehicular circulation.
 - (3) Details of waiting lanes, including location and design of curbs, gates, bollards and chains, pavement markings and similar devices.

§ 325-31. Fences, walls and hedges.

The following standards shall apply to fences, walls and hedges for all uses in all districts except agriculture, which shall be exempt.

A. Permitting.

- (1) All fences require a building permit from the Code Enforcement Officer.
- (2) All freestanding walls four feet in height or greater require a building permit from the Code Enforcement Officer.

B. Location.

- (1) Fences located on properties in the MS Zoning District shall not be located in the front yard. This provision applies to all sides fronting a street on a corner lot.

- (2) Fences and freestanding walls shall be set back at least eight feet from the street line of the pavement and 2 1/2 feet from the interior edge of the sidewalk. Hedges greater than three feet in height shall be set back eight feet from the street line of pavement.
- (3) Fences, freestanding walls and hedges greater than three feet in height shall not be located within 20 feet of a street intersection as measured from the street center line, except in the MS and DMU Zoning Districts. The height of three feet shall be measured above the curb level, if any, or above the existing road level. In no event, however, shall a hazard to traffic be erected or maintained.
- (4) Except on a corner lot, there shall be no required side or rear yard setback for fences, hedges and walls. Corner lots meet the front yard setback requirement of Subsection A(1) above for all sides fronting a street.

C. Height.

- (1) No fence or freestanding wall shall exceed four feet in height, as measured from the ground, in any front yard.
- (2) No fence or freestanding wall shall exceed six feet in height, as measured from the ground, in any side or rear yard.
- (3) A maximum of 10 feet in height measured from the ground shall be allowed to enclose a private or public tennis court, basketball or sports courts, provided that the fence is semi-transparent, and provided the fence is set back at least 10 feet from the property line.

D. Materials and construction.

- (1) All fences and freestanding walls shall be installed so the finished side shall face the adjoining lot, public rights-of-way and shared private rights-of-way; all bracing shall be on the inside of the fence.
- (2) Barbed wire, electric fence, chicken wire, pallets, tires and plywood shall not be used as a fencing material or as any part of a fence visible from the public right-of-way. Construction fencing shall only be utilized in association with a construction project with an open building permit.
- (3) Retaining walls visible from the public right-of-way shall be faced with masonry or other decorative screening, textures, design or landscaping to minimize the blank appearance of walls and ensure compatibility with existing structures.
- (4) All retaining walls four feet in height or greater, measured from finished grade of the lowest side of the wall, shall require a set of stamped plans and specifications by a licensed engineer or landscape architect as required by the Uniform Code.
- (5) All fences, walls and hedges shall be maintained and, when necessary, repaired or replaced.

§ 325-32. Gasoline service stations.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CANOPY — Any structural protective cover that is not enclosed on any of its four sides and is provided to designate a service area for the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and similar products.

FUEL PUMP — Any device that dispenses automotive fuel and/or kerosene. A fuel pump may contain multiple hoses or be capable of serving more than one fueling position simultaneously.

PUMP ISLAND — A concrete platform measuring a minimum of six inches in height from the paved surface on which fuel pumps are located.

B. General standards.

- (1) A gasoline service station lot, fuel pump and/or fuel storage tanks shall not be located within 2,500 feet of any municipal water wells or other municipal water supply source. All fuel storage tanks shall comply with all federal and state regulations.
- (2) No building, parking or service area shall be closer than 100 feet to any existing residential structure located within the R-SF or R-MF Zoning District, or any lot occupied by a school, hospital or religious institution, or closer than 200 feet to the Grasse River as measured at the mean high water mark.
- (3) The minimum distance between the boundary of the property where the gasoline service station is located and the boundary of any other property with said gas station shall be 300 feet. Measurement shall be made with reference to the nearest respective lot lines.
- (4) All fuel pumps and pump islands shall be set back a minimum distance of at least 30 feet from any right-of-way line or property.
- (5) Fuel pumps and canopied areas are preferred to be located between the principal building and the side or rear lot line and not between the building and the street. The Planning Board may waive this provision if the applicant demonstrates there are practical difficulties with the site for safe access, or the visual aesthetics would be improved with a different configuration.
- (6) All permitted accessory services shall occur within enclosed buildings.
- (7) Principal buildings shall be oriented to the street.
- (8) Principal buildings and canopies should have pitched roofs.
- (9) Outdoor storage of motor vehicles is prohibited. Premises shall not be used for the sale, rental or display of automobiles, recreational vehicles, trailers, boats or other vehicles.

C. Canopies.

- (1) Canopies shall not exceed 16 feet in height from finished grade to the underside of the canopy.
- (2) Canopies shall be architecturally integrated with the principal building and all other accessory structures on the site by use of the same or compatible materials, colors and roof pitch.
- (3) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface more than two inches to prevent glare from any point outside the area covered by the pump.
- (4) Signage, including logos and trademarks, is prohibited on the canopy or canopy supports. This prohibition does not include noncommercial information located on support structures, provided the noncommercial information is printed at the minimum size necessary to convey the information.
- (5) Canopy banding with striping or color accents on the canopy or canopy support structures is

prohibited.

- D. Independent traffic study. An independent traffic study shall be conducted by a professional consultant to assess the impact(s) of the development's fuel pump component on pedestrian and vehicular traffic, to include bicycles, horse-drawn buggies and handicapped accessibility, both on and surrounding the development site, and an acceptable plan shall be presented to deal with said impact(s). The cost of the study shall be paid by the applicant.

§ 325-33. Home occupations.

- A. Purpose. The intent of regulations governing home occupations is to protect the character of the surrounding neighborhood, particularly adjacent residential uses, from intrusions and nuisances created by operating businesses in a residential area, while recognizing the needs of certain residents and the community benefits of allowing certain types of work to be performed in the home. Customary and inconspicuous businesses, such as accounting, clothing alterations, hair care, word processing, consulting, drafting, telephone surveys or sales, graphic design, photography, office uses, instruction, baking and arts and crafts production are examples of home occupations that can usually satisfy the minimum standards for home occupations.
- B. Minor home occupation. The following home occupation activities are considered minor home occupations, provided that all persons engaged in such activities reside on the premises:
- (1) Artists, such as but not limited to sculptors and composers.
 - (2) Craft work, such as but not limited to woodworking, jewelry-making and pottery.
 - (3) Home offices with activities that may include receipt of mail and the making and receiving of telephone calls or other routine office work done exclusively by the dwelling unit resident related to a business or organization, to the extent that nonresident visitors do not customarily come to the property.
 - (4) Telephone answering and message services.
- C. Major home occupation.
- (1) Permitted major home occupations as defined in this chapter include activities that meet the standards below and are permitted to have a limited number of employees and client visits to the residence.
 - (2) Minimum requirements for a major home occupation. Major home occupations shall comply with the following requirements:
 - (a) No structure shall display or create outside the building any evidence of the home occupation or profession, except such sign as may be permitted under the sign requirements of this chapter. The home occupation shall not significantly change the exterior appearance of the residence, other than by the addition of the permitted signage.
 - (b) Not more than one nonresident employee, whether full-time or part-time, shall be employed in the home occupation. The employment of a person to provide cleaning, landscaping or maintenance services to the premises shall not be considered the employment of a full-time or part-time nonresident employee with reference to the home occupation.

- (c) The home occupation shall be clearly incidental and secondary to the principal use of the dwelling unit for residential purposes. The establishment and conduct of the home occupation shall not change the principal character or use of the dwelling unit involved.
 - (d) The home occupation shall be conducted entirely within the primary structure on the premises.
 - (e) The home occupation shall utilize not more than 15% of the total floor area of the primary structure on the premises.
 - (f) Only one home occupation shall be conducted upon the premises. An exception from this requirement may be granted by the Planning Board upon a showing that the presence of proposed multiple-home occupations at a particular location, by their nature and operation, will not be hazardous or inconvenient to the neighborhood, nor conflict with the normal traffic of the neighborhood or otherwise be contrary to the purpose stated in this § 325-33. If an exception is granted, the Planning Board may impose reasonable conditions upon the operation of each of the permitted home occupations, consistent with the purpose of this section.
 - (g) The home occupation shall produce no noise, vibration, glare, objectionable fumes or odors, or electrical interference detectable to normal sensory perception on adjacent lots.
 - (h) Retail sales of products not produced on the premises shall be prohibited, except for the sale of products incidental to services offered by the home occupation.
 - (i) No stock-in-trade shall be kept, or commodities sold, other than incidental supplies necessary for and consumed in the conduct of such home occupation. Inventory and supplies shall not occupy more than 50% of the area permitted to be used as a home occupation.
 - (j) No storage or display materials, goods, supplies or equipment related to the operation of a home occupation shall be visible from the outside of any structure located on the premises.
 - (k) No mechanical equipment shall be used as part of the home occupation, except such as may be used for domestic or household purposes, or as deemed similar to power and type.
 - (l) Such home occupation shall not require internal or external alteration or invoke construction features not customarily in a dwelling.
 - (m) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
 - (n) No business activities involving clients or customers on the premises shall be conducted between the hours of 9:00 p.m. and 8:00 a.m.
- D. Prohibited home occupations. The following businesses are prohibited as home occupations: automotive vehicle repair, body shop, machine shop, welding shop, salvage yard, auto or vehicle sales, and commercial outdoor storage or parking.
- E. Nontransferable permit. Notwithstanding other provisions of this chapter, an approved zoning permit or special use permit for a home occupation is not transferable from the holder to another person or

entity.

- (1) If a zoning permit or special use permit is held by the owner of the property where a home occupation has been authorized, the permit shall be void as of the date of the transfer of the owner's legal or equitable interest in the property. For purposes of this provision, a transfer of the owner's interest in the property by land contract shall be considered a sale upon the execution of the land contract. For purposes of this provision, a transfer of the owner's interest in the property by deed shall be considered a sale upon transfer of title.
- (2) If a zoning permit and/or special use permit is held by a lessee of the property where such permit has been authorized, the permit shall be void as of the date of the termination of the lease. For the purpose of this section, a lease includes written and oral leases, as well as month-to-month tenancies and tenancies for specific terms.

§ 325-34. Manufactured homes; manufactured home parks.

- A. Manufactured homes shall be located on individual lots as single-family residential dwellings only.
- B. Manufactured home parks or courts are prohibited.
- C. Manufactured homes situated in the Village shall be subject to the following requirements:
 - (1) A manufactured home must bear the U.S. Housing and Urban Development (HUD) seal.
 - (2) A manufactured home must be placed parallel to the street.
 - (3) All replacement and new manufactured homes must have continuous, permanent masonry foundations, unpierced except for required ventilation with access installed under the home. The foundation shall be aesthetically compatible with the home and have the appearance of site-built construction.
 - (4) All wheels, axles and towing devices must be removed from the manufactured home.
 - (5) Siding on a manufactured home must be nonmetallic and nonreflective, e.g., wood, vinyl, log or cedar shakes.
 - (6) The minimum roof slope of the manufactured home must be 3-12 pitch and have eave projection of at least four inches.

§ 325-35. Mini self-storage unit facility; mini self-storage units.

- A. Mini-self storage unit structures shall be no more than one story in height, and an exterior wall shall not exceed nine feet in height, and the maximum building height shall be 15 feet.
- B. No building shall exceed 150 feet in length.
- C. Buildings must be constructed on a permanent foundation, and the buildings must conform to the requirements of the NYS Uniform Code.
- D. No storage unit door shall face the road frontage.
- E. If more than one building, buildings shall be connected with an internal vehicular circulation system with a minimum width of 24 feet.

- F. Mini self-storage unit facilities shall provide landscaping in accordance with § 325-54 along all lot lines adjacent to residentially developed property.
- G. Security fencing used to protect the facility shall be located on the inside of the landscaping and screening.

§ 325-36. Motor vehicle repair services.

- A. For all overnight storage parking associated with automotive repair uses, perimeter screening as prescribed in § 325-54, Landscaping and screening, shall be provided to screen the parking from the public right-of-way and/or neighboring residential uses.
- B. Outside storage or parking of any disabled, wrecked or partially dismantled vehicle is not permitted for a period exceeding 60 days.

§ 325-37. Multifamily dwellings; minimum floor area.

- A. The minimum living area shall be 600 square feet for all dwelling units with at least one bedroom in a multifamily dwelling.
- B. The minimum living area shall be 480 square feet for an efficiency unit without a separate bedroom, except as provided in Subsection C below.
- C. For congregate senior citizen housing and residential care facilities, the minimum floor area shall be 300 square feet for each bedroom the dwelling unit provides.

§ 325-38. Nonresidential uses in NMU District.

- A. Purpose. The NMU Zoning District represents gateway areas and neighborhood streets of important historic character. To encourage preservation and continued use of these valuable buildings in an existing mixed-use setting, conversion to nonresidential uses such as small-scale retail and service businesses, offices and home occupations, which can be located in existing structures historically more residential in nature and blend with existing residential character, is permitted. Such uses are also permitted on underutilized or vacant lots requiring new construction to maintain the viability of these corridors and neighborhoods.
- B. Permitted uses.
 - (1) A number of nonresidential uses are permitted in the NMU Zoning District as provided in Schedule A: Permitted Uses,⁹ within a principal building in existence at the time adoption of this chapter or as new construction on a vacant or underutilized lot in existence at the time of adoption of this chapter.
 - (2) Existing principal buildings shall not be removed and replaced to accommodate these nonresidential uses as the intent is to preserve the existing character and historic context of the neighborhood.
 - (3) The maximum area of any use noted with an asterisk (*) in Schedule A: Permitted Uses, shall be 2,500 square feet of gross floor area.
- C. Building design.

9. Editor's Note: Schedule A is included as an attachment to this chapter.

- (1) Expansions, additions and renovations to existing buildings to accommodate the adaptive reuse of buildings is permitted; however, such renovations shall maintain the architectural style and scale of the original building.
- (2) Infill development of vacant or underutilized lots with new buildings shall generally be of a house-style architecture compatible with the surrounding neighborhood and meet the design standards of § 325-51 and § 325-52.

§ 325-39. Outdoor storage as accessory commercial use.

- A. All outdoor storage areas shall be at least 20 feet from all property lines.
- B. All outdoor storage areas shall be screened from the public right-of-way and adjacent properties pursuant to § 325-54, Landscaping and screening.
- C. Outdoor storage shall not be construed to include a junkyard or any similar use and shall meet the requirements of other provisions in the Village Code.

§ 325-40. Portable storage containers.

- A. Trucks, truck bodies, livestock trailers, semi-trailers, buses, house trailers and recreational vehicles shall not be utilized for the storage of property and are not considered lawful storage containers.
- B. Temporary portable storage containers used as part of an active renovation or construction project, or which are necessitated by an unforeseen and uncontrollable event, or to assist in moving into or out of a property may be used temporarily but shall not be placed on the streets or sidewalks or in front yards other than on a driveway. Such portable storage containers shall not be placed on any property more than two times per calendar year and not for more than 30 days at a time. The Code Enforcement Officer may approve an extension of up to three months for good cause shown.
- C. Lawful storage containers that are not temporary and/or associated with an activity as described in Subsection B above shall only be permitted on lots that are a minimum of two acres in size. Such storage containers shall only be located in the rear or side yard and shall not be visible, year-round, from the public right-of-way (street), or to adjacent properties.

§ 325-41. Solar energy systems.

- A. Definitions. Tier 1 and Tier 2 solar energy systems are defined under "solar energy system" in Article XVII, Definitions, of this chapter.
- B. Requirements for Tier 1 solar energy systems.
 - (1) Permitting requirements.
 - (a) All Tier 1 solar energy systems generating no more than 25 kW or requiring no more than 1,350 square feet of surface area, whichever is greater, shall be permitted in all zoning districts except the Historic District Overlay (HDO) with the issuance of a building permit from the Code Enforcement Officer, provided the standards of this Subsection B are met.
 - (b) Within the HDO, small-scale solar energy systems that are roof- or building-mounted or building-integrated shall require Planning Board review pursuant to § 325-21.
 - (c) Ground-mounted Tier 1 solar energy systems, as defined in this chapter, requiring more

than 1,351 square feet of surface area for installation in any zoning district shall require site plan review.

- (2) Roof- or building-mounted Tier 1 solar energy systems.
 - (a) Solar panels facing the front yard must be mounted at the same angle as the roof's surface, with a maximum distance of 18 inches between the roof and highest edge of the system.
 - (b) Within the HDO, roof- or building-mounted systems shall not be visible from the front yard.
 - (c) Within the HDO, roof- or building-mounted and building-integrated systems shall be permitted where it can be demonstrated that the solar energy system will not detract from a building's architectural integrity and is as unobtrusive as possible. Solar energy systems and related equipment may not hide significant architectural features from street view, result in the loss of these features or become a major feature of the design because they are large in scale.
- (3) Ground-mounted Tier 1 solar energy systems.
 - (a) Ground-mounted solar energy systems shall meet the following setbacks:
 - [1] Shall not be located in the front yard.
 - [2] Side setback: 10 feet from side property lines.
 - [3] Rear setback: 10 feet from rear property lines.
 - [4] Corner lot side yard: on the side fronting a public right-of-way, the setback shall be the same as the front yard setback for the principal building.
 - (b) Ground-mounted solar energy systems shall be screened from the view of the public right-of-way and shall not obstruct or otherwise impede the scenic views from existing buildings on neighboring properties. Screening shall be comprised of berms, fencing or landscaping that retains its ability to provide screening in the winter, such as evergreen or fir trees.

C. Requirements for Tier 2 solar energy systems.

- (1) Applicability and permitting.
 - (a) This subsection applies to the siting of Tier 2 solar energy system installations that may be installed as a principal use on a lot as permitted in certain zoning districts in Schedule A,¹⁰ or may be an accessory or secondary use to another principal use for on-site and off-site consumption.
 - (b) Tier 2 solar energy systems shall require site plan review (see Article XII).
- (2) Roof- or building-mounted large-scale solar energy systems.
 - (a) Tier 2 roof-mounted solar energy systems shall be mounted parallel to the roof or with minimal tilt.
- (3) Tier 2 ground-mounted solar energy systems shall meet the following setbacks:

10. Editor's Note: Schedule A is included as an attachment to this chapter.

- (a) Front yard: 100 feet.
 - (b) Side yard directly abutting a residential lot: 100 feet.
 - (c) Side yard abutting a nonresidential lot: 50 feet.
 - (d) Rear yard abutting a residential lot: 100 feet.
 - (e) Rear yard abutting a nonresidential lot: 50 feet.
- (4) Impervious surface calculation. Solar energy systems shall be included in calculations for impervious cover as defined in Article XVII, Definitions, and as regulated in Schedule B: Lot Dimensional Standards, of this chapter for the zoning district in which they are located.¹¹
- (5) Site plan review additional information. In addition to the information required for site plan review in Article XII, the following information shall be required:
- (a) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector.
 - (b) Documentation of the major system components to be used, including the panels, mounting system and inverter.
 - (c) Name, address and contact information for proposed system installer.
 - (d) Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.
 - (e) An operation and maintenance plan that shall include measures for maintaining safe access to the installation, stormwater controls and general procedures for operational maintenance of the installation.
 - (f) Proof of liability insurance.
 - (g) Utility notification. No grid-intertied photovoltaic system shall be installed until evidence has been given to the Planning Board that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator.
 - (h) A decommissioning plan. To ensure the proper removal of a large-scale ground-mounted solar energy production facility, a decommissioning plan shall include the requirements of Subsection C(6) below and specify that after the large-scale solar energy production facility can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected time line for execution. Removal of the large-scale solar energy production facility must be completed in accordance with the decommissioning plan.
 - (i) Financial surety. Applicant shall provide a cost estimate detailing the projected cost of

11. Editor's Note: Schedule B is included as an attachment to this chapter.

executing the decommissioning plan prepared by a professional engineer or contractor, as well as the manner in which the surety will be held pending the final decommissioning and removal.

(6) Additional development standards.

- (a) Lighting. Lighting of a large-scale ground-mounted solar energy facility shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (b) Signage. Signs on a large-scale ground-mounted solar energy facility shall comply with the signage requirements of this chapter and shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising, except for reasonable identification of the manufacturer or operator of the solar energy system.
- (c) Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar energy installation underground, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- (d) Emergency services. The large-scale ground-mounted solar facility owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the Village Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- (e) Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of a large-scale ground-mounted solar energy facility or otherwise prescribed in the Village Code and other applicable laws, regulations and ordinances.

(7) Abandonment or decommissioning.

- (a) Removal requirements. Any large-scale ground-mounted solar production facility that has reached the end of its useful life or has been abandoned shall be decommissioned within 12 months after the date of discontinued operations. Decommissioning shall include the following activities:
 - [1] Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
 - [2] Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - [3] Stabilization or revegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruption to

vegetation.

- (b) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Village retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned large-scale ground-mounted solar energy system at the cost of the landowner.
- (c) As a condition of site plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

§ 325-42. Townhouses in R-SF District.

To maintain the lower density character of a single-family residential neighborhood, there shall be no more than two townhouse-style dwelling units attached by a common wall on each lot and otherwise meeting the definition of "townhouse" as provided in Article XVII of this chapter.

§ 325-43. Wind energy conversion systems, small.

- A. Purpose and findings. The purpose of this section is to provide a regulatory scheme for the construction and operation of small wind energy conversion systems in the Village, subject to reasonable restrictions that will preserve the public health and safety of the Village's residents. Wind energy is an abundant, renewable and nonpolluting energy resource, and its conversion to electricity will reduce dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy conversion systems also enhance the reliability and the power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
 - OFF-GRID SYSTEM — The turbine and load it serves are not connected to a larger electrical network. These usually have some form of energy storage device, e.g., batteries, to supply reserve power when energy demand exceeds wind supply.
 - ON-GRID SYSTEM — The turbine and load it serves, i.e., house, are connected to the transmission grid. The house receives its electricity from the turbine when wind is available and from the grid when backup is needed.
- C. Permits and referrals.
 - (1) In all zones in which small wind energy conversion systems are permitted, prior to the issuance of a building permit the Code Enforcement Officer shall refer the applicant to the Planning Board for completion of a special use permit and site plan review.
 - (2) Submission requirements. The following elements shall be included in the submission:
 - (a) The applicant's and landowner's name and contact information.
 - (b) The Tax Map numbers, existing use and acreage of the site parcel.

- (c) Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads and an engineering analysis and certification of the tower, showing compliance with the applicable building code.
 - (d) Data pertaining to the tower's safety and stability, including safety results from test facilities.
 - (e) Proposal for landscaping and screening. Appropriate landscaping is required to keep the site in a neat and orderly fashion. Appropriate screening is also required to screen accessory structures from adjacent residences.
 - (f) A full environmental assessment form (EAF) and visual environmental assessment form (Appendix C to 6 NYCRR 617.20) prepared in accordance with the State Environmental Quality Review Act.
- D. Lot size. A wind energy system shall not be located on a lot under one acre in size.
- E. Tower height. Towers shall not exceed 80 feet or as constrained by the setback requirement of Subsection F below. Tower height is a measurement of the portion of the fixed tower above grade, excluding the wind turbine itself.
- F. Setback. Setbacks 25 feet plus the height of the unit (tower and rotor). Side and rear setbacks shall be a minimum of 10 feet plus the height of the unit (tower and rotor).
- G. Sound. Small wind energy conversion systems shall not exceed 45 dBA, as measured at the closest neighboring dwelling. The level may be exceeded during short-term events such as utility outages and/or severe windstorms. When determining the level of sound, measurements shall be averaged over a twenty-four-hour time period.
- H. Safety. Wind turbine towers shall not be climbable up to 15 feet above ground level.
- I. Compliance with regulations.
 - (1) Small wind turbines must have been approved under any other small wind certification program recognized by the American Wind Energy Association.
 - (2) Compliance with the Uniform Code. Building permit applications for small wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Uniform Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.
 - (3) Compliance with Federal Aviation Administration (FAA) regulations. Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
 - (4) Compliance with National Electrical Code (NEC). Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NEC. This information is frequently supplied by the manufacturer.
- J. Utility notification. No small wind energy system shall be installed until proof has been given that the utility company has been informed of the customer's intent to install an interconnected customer-

owned generator. Off-grid systems shall be exempt from this requirement.

- K. Multiple turbines. In the event of multiple small wind turbines, the resulting aggregate installation must meet the sound, setback and safety requirements that exist for other structures.
- L. Removal. If the small wind energy conversion system is inoperable after 12 months, the owner must remove the tower within 60 days.

§ 325-44. Wireless communications facilities.

A. Applicability.

- (1) No wireless communications facility, except small cell wireless communications facilities as separately defined in this chapter and § 325-45, shall hereafter be erected, moved, reconstructed, changed or altered without conforming to these regulations. No existing structure shall be modified to serve as a wireless communications tower unless conforming to these regulations.
- (2) Exemptions. The following uses and activities are exempt from the requirements of this section; however, other permits may be required from the Code Enforcement Officer:
 - (a) Replacement, repair, rebuilding or upgrading of existing wireless communications facilities to current engineering, technology or communications standards, so long as such facilities are not increased in height by more than 20 feet or 10%.
 - (b) Antennas used solely for residential household television and radio reception.
 - (c) Amateur HAM radio antennas, as defined in this chapter, with a height of 45 feet or less.

B. Administrative review and required approvals.

- (1) Application for shared use (collocation) on an existing wireless communications tower.
 - (a) At all times, collocation or use of existing wireless communications facilities shall be preferred to shared use of other existing tall structures or construction of new wireless communications facilities. For purposes of this section, "existing wireless communications facility" shall mean a wireless communications tower facility in existence at the time an application for collocation is submitted to the Code Enforcement Officer.
 - (b) An additional antenna is permitted upon issuance of a zoning permit if such antenna will not extend the total tower height by more than 20 feet or 10%. The zoning permit application must include the following:
 - [1] Documentation of intent from the owner of the existing wireless communications facility to allow shared use.
 - [2] A certified structural analysis report from a NYS-licensed engineer certifying that the proposed collocation will not diminish the structural integrity and safety of the existing tower or explaining what modifications, if any, would be required to certify the above. The height of the new antenna shall not extend above the height of the existing structure by more than 10 feet.
 - [3] A copy of the Federal Communications Commission (FCC) license for operation of the new equipment.

- (c) An additional antenna that extends the total tower height by more than 20 feet shall require site plan review. The site plan review application must include the following:
 - [1] Documentation of intent from the owner of the existing telecommunications facility to allow shared use.
 - [2] Documentation that the height extension of more than 10 feet is necessary and that the height extension is the minimum required to provide the proposed area with wireless communications services.
 - [3] Documentation of tower setbacks from lot lines. The extended tower height must meet the minimum setback from any property line at a distance at least equal to the tower height. The minimum setback requirements may be increased at the discretion of the Planning Board as part of the site plan review procedures, or it may be decreased in those instances where the owner/applicant has previously approved plans for a tower design in such a manner as to collapse within a smaller area.
 - [4] A certified structural analysis report from a NYS-licensed engineer certifying that the proposed collocation will not diminish the structural integrity and safety of the existing tower or explaining what modifications, if any, would be required in order to certify the above.
 - [5] A copy of the FCC license for operation of the new equipment.
- (2) Permitting process for new wireless communications facilities.
 - (a) A special use permit and site plan review shall be required for the placement of a wireless communications facility in or on an existing tall structure other than an existing wireless communications tower and for the construction of a new tower. The application process for special use permits is provided in Article XIII and the additional criteria are set forth below in Subsection C.
 - (b) The applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers, including: an inventory of facilities within the Village and surrounding municipalities, outlining opportunities for shared use as an alternative to the proposed wireless communications tower; copies of written requests and responses for shared use based on the inventory; and, if applicable, demonstration of the impracticality of upgrading or expanding an existing site within the Village or surrounding municipalities.
- C. Design and site development standards. A special use permit application for a new wireless communications tower shall include a site plan that demonstrates compliance with each of the following standards:
 - (1) The antenna facility complies with any applicable regulations promulgated by the FCC, including regulations regarding radio frequency emissions.
 - (2) The antenna facility is placed, designed and finished in a manner that minimizes its visual impact on surrounding properties.
 - (3) The antenna facility is the minimum height above grade necessary for the provision of the wireless service within the Village.

- (4) The antenna facility is of sufficient mechanical and electrical design to allow for the collocation of at least one additional antenna facility or the collocation of municipal wireless service.
- (5) The antenna facility minimum setback from all boundaries is at least the distance of the height of the antenna, including support structure.
- (6) The antenna facility, including support structure, does not exceed a height of 180 feet.
- (7) Aesthetics. In order to minimize any adverse aesthetic effect on neighboring residences to the extent possible, the Planning Board may impose reasonable conditions on the applicant, including the following:
 - (a) A monopole or guyed tower may be required (if sufficient land is available to the applicant) instead of a freestanding communications tower.
 - (b) Landscaping and screening of the base of tower and accessory structures with trees or shrubs may be required. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.
 - (c) Towers should be designed and sited to avoid, whenever possible, application of Federal Aviation Administration (FAA) lighting and painting requirements. Towers shall not be artificially lighted except as required by the FAA. Towers shall be painted a galvanized finish or matte gray unless otherwise required by the FAA.
 - (d) No tower shall contain any advertising devices.
- (8) Traffic, access and safety.
 - (a) A road turnaround and one parking space shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made.
 - (b) All communications towers and guy anchors, if applicable, shall be enclosed by a fence or structure not less than eight feet in height.
 - (c) The applicant must comply with all applicable state and federal regulations, including but not limited to FAA and FCC regulations.
 - (d) Signage shall be provided, permanently affixed to the structure and as visible as practicable from the access approach, providing the name and address of the facility operator and providing an emergency contact telephone number.
 - (e) The owner of the facility shall dismantle the communications facility in its entirety within 90 days of the cessation of operations at the tower.

§ 325-45. Wireless communications facilities, small cell.

A. Applicability.

- (1) This section regulates small cell wireless facilities as defined in Article XVII, Definitions, of this chapter and by the following standards. Facilities that exceed these standards shall be considered wireless communications facilities as defined in this chapter and regulated in § 325-44.
- (2) Small cell wireless facilities shall not exceed the following specifications:

- (a) Facilities shall not be mounted on structures more than 50 feet in height, including their antennas;
- (b) Each antenna associated with the deployment, excluding associated antenna equipment, shall be no more than three cubic feet in volume;
- (c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, shall be no more than 28 cubic feet in volume; and
- (d) The facilities do not require antenna structure registration under 47 CFR Part 17.

B. Review and permitting.

- (1) A special use permit shall be required for all new small cell installations, including:
 - (a) Placement, installation or construction of new transmission equipment that will not be collocated on an existing approved wireless communications facility.
 - (b) Placement of a new, additional antenna on an existing tower that results in an increase in tower height of more than 10 feet or 50%; whichever is greater.
 - (c) Installation of a small cell facility on a pole located within 20 feet of a dwelling unit.
- (2) The following substantial changes to existing small cell installations shall not require a special use permit but shall require site plan review:
 - (a) Collocation of additional antennas, equipment cabinets and equipment shelters on existing wireless communications facilities or other structures previously approved for small cell wireless facilities that do not meet the criteria of Subsection B(1) above.
 - (b) Replacement of existing transmission equipment that will increase the height of the replacement small cell antenna or increase the volume of the antenna or its associated equipment by more than 10%.
- (3) Activities exempt from the special use permit and site plan review.
 - (a) The Code Enforcement Officer may determine that only a zoning permit is required for any request for modification of an existing tower or base station that does not change the physical dimensions of such tower or base station, involving:
 - [1] Collocation of new transmission equipment;
 - [2] Removal of transmission equipment; or
 - [3] Replacement of transmission equipment that results in no increase in height or no more than a 10% increase in volume of the antenna or associated equipment.
 - (b) The Code Enforcement Officer may determine that site plan review is required if the proposed modifications could impact the aesthetic appearance or reduce the use of stealth technology of the facility or result in increased visibility or incompatibility with its surroundings.

C. Location priority for small cell wireless facilities.

- (1) Small cell wireless facilities shall be located, sited and erected in accordance with the following priorities, with (a) being the highest priority and (g) being the lowest priority:
 - (a) Collocation on existing utility poles, monopoles or other wireless communications facility support structures on lands owned or controlled by the Village, not including the public right-of-way;
 - (b) Collocation on a site with existing wireless communications facilities or other wireless communications facility structures;
 - (c) On other lands owned or controlled by the Village, including but not limited to the Village public right-of-way;
 - (d) On lands owned or controlled by other municipal corporations within the Village, to the extent permitted by such other municipal corporation;
 - (e) On properties zoned GMU, E-C, CC or TBL;
 - (f) On properties zoned R-SF, R-MF or NMU; and
 - (g) (Reserved)
 - (2) No small wireless communications facility shall be permitted in the Historic District Overlay unless the applicant demonstrates to the Planning Board's satisfaction that the selected site is necessary to provide adequate service and no feasible priority site exists.
 - (3) If the site is not proposed for the highest priority listed above, a detailed explanation must be provided as to why a site of a higher priority was not selected. The service provider seeking such an exception must satisfactorily demonstrate the reason or reasons such a special use permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
 - (4) An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the Planning Board why collocation is commercially impracticable.
- D. Additional location and design standards. Small cell wireless communications facilities shall meet the following additional design and location standards:
- (1) A maximum of three small cells will be allowed per utility pole if technically feasible and if, in the determination of the Planning Board, there are no safety or aesthetic concerns.
 - (2) Height. Small wireless facilities shall not exceed 50 feet in height and shall not be higher than the minimum height necessary. The proposed height, which may be in excess of the maximum height permitted for other structures in the applicable zone, shall address any additional height necessary to accommodate collocation by additional antenna arrays.
 - (3) Setbacks. All support structures for small wireless communications facilities located outside the public right-of-way shall be set back from the property line of the lot on which it is located at a distance equal to, not less than, the total height of the facility, including support structure, measured from the highest point of such support structure to the finished grade elevation of the ground on which it is situated, plus 10% of such total height. The Planning Board may reduce such setback requirements based upon consideration of lot size, topographic conditions,

adjoining land uses, landscaping, other forms of screening and/or structural characteristics of the proposed support structure.

- (4) Small cell wireless communications facilities shall be prohibited on ornamental streetlighting poles.
 - (5) Within the GMU, E-C, CC and TBL Zoning Districts, facilities may be permitted on existing buildings or other existing structures.
 - (6) A small cell facility placed on any roof shall be set back at least 15 feet from the edge of the roof along any street frontage.
 - (7) No part of the facility may project into areas that pedestrians use or where it may inhibit their use or jeopardize their safety, like sidewalks and other pedestrian-designated areas.
 - (8) Visibility and aesthetic appearance.
 - (a) All small wireless telecommunications facilities shall be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residents in the area of the wireless telecommunications facilities sites.
 - (b) Both the small wireless telecommunications facility and any and all accessory equipment shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.
 - (c) Small wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting as unobtrusive and inoffensive as is permissible under federal, state and local laws, statutes, codes, rules or regulations.
 - (d) Electrical and land-based telephone lines extended to serve the wireless telecommunications services facility sites shall be installed underground.
 - (e) New small cell facilities shall include stealth technology designs. "Stealth" or "stealth technology" means they minimize adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such small cell wireless communications facilities by using the least visually and physically intrusive design.
- E. Application submission requirements. In addition to the required information for all special use permit or site plan review applications in this chapter, all applications for the construction or installation of a new small wireless communications facility or modification of an existing small wireless facility shall contain the following information:
- (1) A descriptive statement of the objective(s) of the new facility or modification, including and expanding on a need such as coverage and/or capacity requirements.
 - (2) Documentation that demonstrates and proves the need for the small wireless facility to provide service primarily and essentially within the Village. Such documentation shall include, but not be limited to, information relating to all other wireless telecommunications facilities that are to be deployed in the Village in conjunction with the proposed small wireless facility and propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or of a capacity need, including

an analysis of current and projected usage.

- (3) The size of the property stated both in square feet and lot line dimensions, and a survey prepared by a NYS-licensed professional surveyor showing the location of all lot lines, if the proposed small wireless facility is located outside the public right-of-way.
 - (4) The location, size and height of all existing and proposed structures on the property that is the subject of the application and all related fixtures, accessory equipment, appurtenances and apparatus, including but not limited to materials, color and lighting.
 - (5) The number, type and model of the antenna(s) proposed, with a copy of the specification sheet.
 - (6) The make, model, type and manufacturer of the utility pole, monopole or other structure on which any antenna or accessory equipment for a small wireless facility is to be located and a design plan demonstrating the structure's capacity to accommodate multiple users.
 - (7) Documentation justifying the total height of any proposed antenna and structure and the basis thereof. Such justification shall be to provide service within the Village to the extent practicable, unless good cause is shown.
 - (8) A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities.
 - (9) Information relating to the expected useful life of the proposed small wireless facility.
- F. Reimbursement for the use of the public right-of-way. In addition to application fees for small wireless facility approval, every small wireless facility located in the public right-of-way is subject to the Village's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. Such compensation for use of the public right-of-way shall be directly related to the Village's actual public right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervision and other public right-of-way management activities by the Village. The owner of each small wireless facility permit shall pay an annual fee to the Village to compensate the Village for the Village's costs incurred in connection with the activities described above as determined by the Village Board and as set forth in the Village Fee Schedule.

§ 325-46. through § 325-49. (Reserved)

ARTICLE VIII
Supplemental Site Development Standards

§ 325-50. Building foundation required.

All dwellings must have a continuous, permanent masonry foundation, unpierced except for required ventilation and access installed under the home. The foundation shall be aesthetically compatible with the building.

§ 325-51. Design standards for single- and two-family residential development.

- A. Applicability. The standards of this section shall apply to the construction of new single- and two-family residential structures.
- B. Orientation and entrance.
 - (1) Primary building entrances shall be oriented toward the primary public street or right-of-way with respect to architecture and detailing.
 - (2) The first-floor primary facade shall include a minimum of one architectural feature, such as a covered entrance, raised porch, bay window or similar feature.
- C. Architecture.
 - (1) All facades shall include a combination of windows and doors.
 - (2) Primary facades shall have a minimum window coverage of 20%. On a corner lot, both sides facing a street shall be considered primary facades.
 - (3) Windows shall be transparent, i.e., not heavily tinted, except that stained glass windows are permitted.
 - (4) Buildings fronting more than one street shall have facades consisting of the same materials.

§ 325-52. Design standards for new mixed-use, multifamily and all nonresidential development.

- A. Purpose. The intent of the following guidelines and standards is to ensure that building renovation and new construction preserve and reinforce the architectural character of the Village. The architecture of new development shall consider the scale, massing and rooflines that fit comfortably within the Village context.
- B. Applicability.
 - (1) Exemptions. Single-family dwellings, two-family dwellings and agricultural uses shall be exempt from the standards of this section, although adherence is encouraged for all development.
 - (2) The building design standards of this section apply to all new construction, additions and alterations requiring site plan review.
 - (3) Relationship to construction and renovation within the Village Historic District Overlay (HDO) and other historic buildings. Where a guideline and standard in this section conflicts with other standards in this chapter or other chapters of the Village Code related to protecting an historic district or historic structure, all standards and guidelines specific to a historic property or

property located in the HDO shall apply.

C. Building orientation, entrances and front yards.

- (1) Buildings shall be parallel to the street frontage property line.
- (2) The front facade of buildings shall be oriented toward the public right-of-way with a main public entrance in the front facade.
- (3) The primary entrance on a site should have clearly defined entrance featuring elements such as, but not limited to: outdoor patios; raised cornice parapets over the door; recesses/projections; peaked roof forms; arcades, canopies or porticoes; arches, display windows; architectural details such as tile work and moldings that are integrated into the building structure and design.
- (4) The area between the street and the building shall be dedicated to greenspace or pedestrian facilities, not vehicular areas. This may include, but not be limited to, lawn, landscape plantings, planters, pedestrian facilities, outdoor seating or similar public space.

D. Building scale and massing.

- (1) Context.
 - (a) "Building scale" refers to the size of a building in relation to its immediate context in relation to surrounding buildings and is determined by the dimensions of its primary facades, including building height, building length, lot coverage and disposition of the building on its site. Individual architectural features/elements, including doors, windows, porches and roof forms, all contribute to the perception of a building's scale. Scale is one of the most important features determining whether a building is compatible with its setting.
 - (b) "Building massing" refers to the dimensions and arrangement of a building's overall form, including the composition of the facade, the regularity or complexity of its overall shape, vertical and horizontal setbacks, the type and design of its various roof forms.
- (2) A stark contrast of scale between new and existing buildings disrupts the visual harmony of the street and neighborhood and should be avoided if possible. The use of upper story step-backs shall be used to soften such contrast when unavoidable.
- (3) New construction should follow the general massing of surrounding buildings and, where buildings of varying mass exist, new variations should not be introduced.
- (4) The scale of larger buildings should be further reduced by breaking building massing into the appearance of several smaller, connected building forms with distinct roof lines, varying building heights and variation in building materials.
- (5) Building design and features should be used to divide larger building masses with vertical or horizontal divisions, facade transitions and changes in materials and textures to reinforce changes in the building form and to avoid monotony.
- (6) For larger structures, the length of any facade shall generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further; 30 feet or less is preferred.

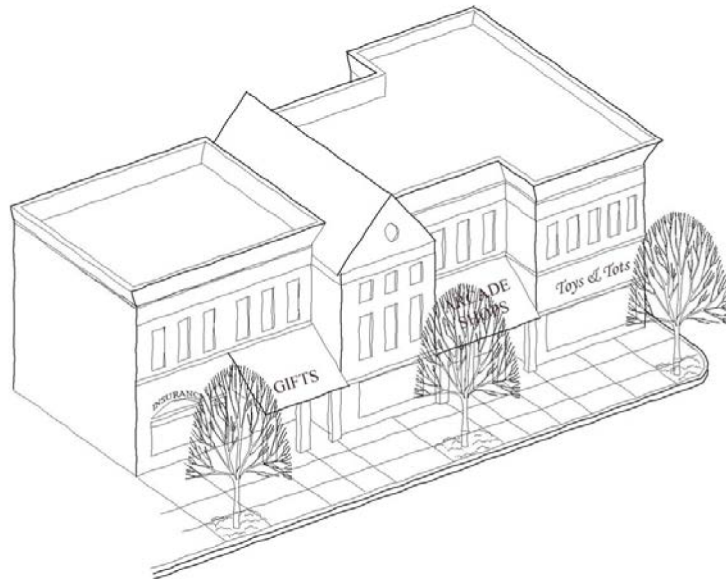


Figure 1: Example of a facade break-up through architectural treatments.

E. Facade composition.

- (1) Any new infill development, addition or alteration should retain the established architectural rhythm of building openings of the block on which it is located. This may be achieved by maintaining the horizontal rhythm of the block by using a similar alignment of windows, floor spacing, cornices and awnings, as well as other elements.



Figure 2: Visually differentiate the top, middle and base floors and use a similar alignment to adjacent buildings.

- (2) Any facade that faces a public or private parking area, public alley or other right-of-way, or is visible from a street, shall utilize the same materials, building design and architectural character of the primary facade.
- (3) Buildings with expansive blank exterior walls not punctuated by window and door openings, or horizontal decorative elements, are prohibited.
- (4) Facades should feature simple architectural detailing that places a visual emphasis at entries, windows, eaves, cornice and roofs.
- (5) Architectural treatments should be integral to the building's construction and not consist of surface-applied trim, graphics or paint.
- (6) Muted and traditional colors are generally preferred, with contrasting textures and tones used to add interest. Building colors should emphasize earth tones and colors common to traditional/natural building materials. Strong color may be used sparingly on trim, doors, shutters and other architectural accents.

F. Windows and transparency.

- (1) Context. It is important to create transparent and inviting facades on the street level, visible to public spaces such as sidewalks, plazas, parks and parking lots. Transparency is most commonly created through the use of windows and transparent doors. Depending on the street-level use of a building, the expected level of transparency may be different for practical reasons.
- (2) Required transparency.
 - (a) Transparency shall be a measure of percentage of window and glass door area from grade to the underside of the slab or the story above.

- (b) Ground floor (street level) requirements. Ground floor use can be differentiated from upper stories through a change in transparency. Commercial uses, such as retail, shall be more transparent than smaller office or residential uses. The following minimum transparency in the form of windows and doors is required for all ground-floor facades facing a public street.
 - [1] Multifamily dwellings shall have a minimum ground floor transparency of 30%.
 - [2] Retail ground floors shall have a minimum transparency of 60%.
 - [3] Other nonresidential uses shall have a minimum transparency of 50%.
 - [4] Maximum ground floor transparency shall be 80%.
 - [5] Smoked, reflective or black glass in windows is prohibited on the ground floor facing a public street.
- (c) Upper stories.
 - [1] Upper stories of facades facing a public street shall have a minimum transparency of 30%.
 - [2] Proportions of these upper story openings should be evenly spaced with a clear relationship to ground floor elements.
 - [3] Windows should be aligned both vertically and horizontally with other doorway and window openings on both upper and lower stories.
- (3) Windows should be recessed a minimum of two inches from the facade on all newly constructed buildings.
- (4) When repair or replacement of windows is required, replacement windows shall match the original window in style, configurations and size.



Figure 3: Example of a preferred mixed-use building with first floor retail/service and upper floor office or residential.

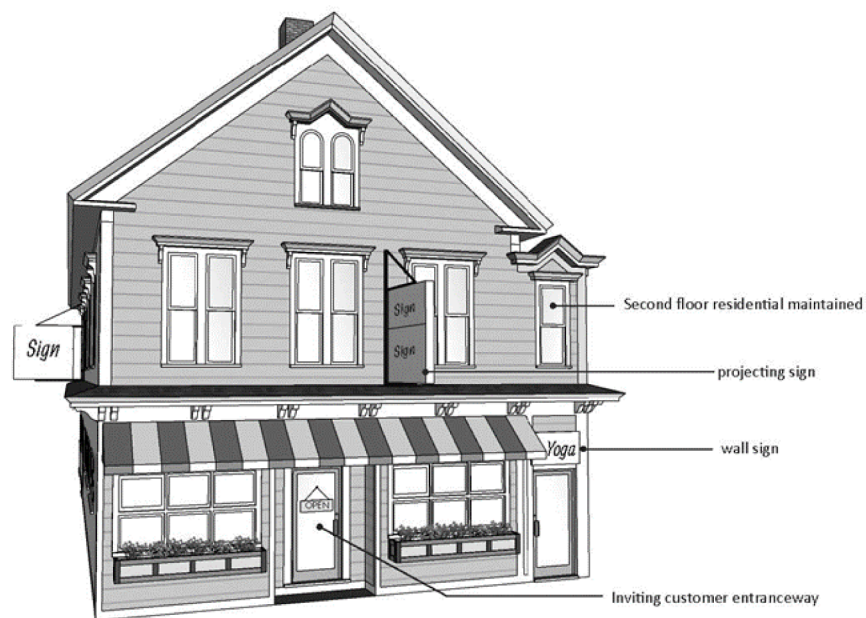


Figure 4: Example of preferred conversion of a residential-style structure to first floor commercial maintaining original architectural features.

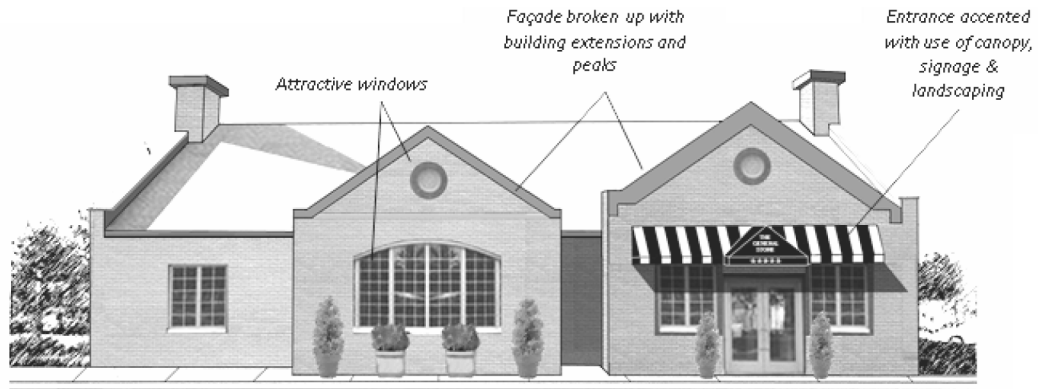


Figure 5: Example of a single-use retail or service establishment building design.

G. Storefronts.

- (1) Storefront design should be in keeping with the overall building design. Storefront elements such as display windows, entrances and signage provide clarity and lend interest to facades.
- (2) Street-level windowsills should be placed no higher than 30 inches above finished grade at the building line.
- (3) Clear, colorless glass shall be used for all display windows. Plexiglas or other replacement materials instead of glass shall not be used.

H. Building materials.

- (1) Building facade materials for new construction on new buildings should complement adjacent facades to reinforce the surrounding context rather than attempt to stand out from it.
- (2) For rehabilitation or restoration projects, building materials and details should be retained and restored in like material and form. When it becomes necessary to introduce new features, they should be visually compatible with the existing features. If an earlier improvement to the original structure was not done in a way that respects the architectural integrity of the building, or does not maintain visual compatibility with adjacent structures, the incompatible improvement should be reversed and corrected when alterations/repairs to that component are undertaken.
- (3) For any new building, addition or alteration, the use of materials such as concrete clapboard siding, stone, brick, wood siding and trim, and slate are preferred.
- (4) Vinyl siding is prohibited in the Main Street (MS) Zoning District.
- (5) Synthetic stucco or exterior insulation and finish systems (EIFS) are prohibited on the ground floor, except in the CC and TBL Zoning Districts.
- (6) Plain (unfinished) concrete masonry units are prohibited on the ground floor, except in the TBL Zoning District.

I. Roofs.

- (1) Context. Roof form and shape play an important role in determining the character of a building

and are a major contributor to the overall feel of different character and scale.

- (2) Roofs shall complement adjacent buildings through height, pitch, stepbacks or other design features.
- (3) Where flat roofs are used, they shall have a parapet.
- (4) Mansard-style roofs shall wrap around the roof of the whole building and shall not be an element used only on the front of buildings.
- (5) Rooftop mechanical apparatus, except solar arrays and green roof systems, shall be hidden or screened using a parapet or cornice.

J. Canopies and awnings.

- (1) Canopies should be roofed with glass, metal or fabric wholly supported by brackets or cables attached to the building facade. Columns to support canopies are not permitted in the public right-of-way.
- (2) Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.

§ 325-53. Accessory refuse/garbage storage areas.

- A. Nonresidential or multifamily residential uses shall locate refuse/garbage storage receptacles in the side or rear yard and at least 10 feet from the property line.
- B. All dumpsters, garbage cans or other containers for refuse associated with nonresidential uses shall be enclosed by either walls or opaque fencing. The enclosure of walls or fencing shall be at least six feet high on all sides, notwithstanding the requirements of § 325-31.

§ 325-54. Landscaping and screening.

A. Purpose. The purpose of these provisions is to:

- (1) Ensure that new site development is integrated as much as possible with the adjacent landscape and/or character of the Village by encouraging preservation of existing trees and other significant vegetation, utilizing natural landscaping and screening and other means to reduce visual and environmental impacts of development, and reducing soil erosion and increasing infiltration in permeable land areas essential to stormwater management.
- (2) Encourage plant and tree species that are climate resilient, indigenous or proven adaptable to the local climate and not invasive on native species.
- (3) Promote landscaped areas that include plant and tree types that address ecological function, reduce heat island effects and reduce soil erosion and increase infiltration in permeable land areas essential to stormwater management.
- (4) Encourage native and pollinator-friendly species in landscaping.

B. General requirements.

- (1) All non-paved and non-built land areas of any site must consist of living vegetation such as grass, ornamental grass, ground cover, edible plants, shrubs, vines, annuals, perennials, native

trees or non-native trees that can reproduce on their own, with the exception of the following areas:

- (a) Agricultural fields or planting areas seasonally tilled for cultivation.
 - (b) Trails.
 - (c) Natural creek beds, rock outcroppings or similar landscape features typically lacking in vegetation.
 - (d) Recreational fields and facilities.
 - (e) Rock or gravel, wood chips, bark or other non-living material typically used as a landscape ornament.
 - (f) Water features.
- (2) The preservation of existing natural vegetation or stands of trees, particularly native species, may be used to meet all or part of the landscaping requirements and is encouraged.
 - (3) Plant material listed by New York State Department of Environmental Conservation and pursuant to 6 NYCRR Part 575 as a prohibited invasive species shall not be used.
 - (4) Native and pollinator-friendly species that contribute to the preservation and restoration of valuable ecosystems and wildlife habitats should be used to meet the required street tree, landscaping, vegetative screening and green infrastructure requirements of this chapter to the extent practicable. Upon evidence, the Planning Board may authorize alternative species or cultivars that meet the intended purpose, are not invasive or hazardous and are equally hardy and capable of withstanding the local climate.
 - (5) The selection of landscaping materials shall be compatible to the climate (USDA Growing Zone), soil types, water availability and street salt application. To ensure survival and usefulness of new plant materials in the near future, the minimum size for trees and shrubs shall be as provided in Schedule C: Minimum Plant Size at Time of Planting.

Schedule C: Minimum Plant Size at Time of Planting	
Plant Type	Minimum Size
Large deciduous trees	2" to 3" > caliper (diameter)
Conifers	6' to 8' height
Small flowering trees	1" > caliper (diameter)
Large shrubs	30" to 36" height
Small shrubs	18" to 24" height

- (6) Tree planting area and spacing.
 - (a) The selection of tree species shall be from an approved list provided by the Village.
 - (b) Small understory trees (trees that reach a height less than 30 feet in 30 years).

[1] The minimum planting area shall be 25 square feet.

- [2] Spacing of trees shall be at least 25 linear feet on center.
- (c) Large shade trees (trees that reach a height of at least 30 feet in 30 years).
 - [1] The minimum planting area shall be 64 square feet, with up to 100 square feet for tree species that reach 60 feet in height.
 - [2] Spacing of trees shall be 35 linear feet on center.
- (d) Trees shall not interfere with overhead power lines.
- (e) Curbing and paving should be located no closer than the dripline of existing trees to remain, unless root bridges, structural soil or other measures are employed.
- (7) Mulch shall be natural or nontoxic material.

C. Site plan requirements.

- (1) All development requiring site plan review shall include a landscaping plan as part of that review process.
- (2) Landscaping and screening plans may be required to be prepared and stamped by a licensed landscape architect or engineer at the discretion of the Planning Board.
- (3) All retaining walls four feet in height or greater, measured from finished grade of the lowest side of the wall, shall require a set of stamped plans and specifications by a licensed engineer or landscape architect as required by the Uniform Code.
- (4) Unless otherwise stipulated as part of a site plan approval by the Planning Board, landscaping required pursuant to an approved site plan shall be installed or a performance bond or other form of security may be required pursuant to § 325-9 prior to temporary occupancy and installed before the issuance of a final certificate of occupancy.
- (5) The following elements shall be included on the landscape plan as part of the site plan application presented for site plan review:
 - (a) Existing vegetation. Graphic depiction of existing vegetation "to remain" and "to be removed." Distinctive, e.g., native, species and colonies of vegetation shall be identified. Species and caliper size shall be provided for all existing trees to be removed that are six inches in diameter and greater as measured four feet from the ground at the base of the tree.
 - (b) Proposed plantings. Graphic illustration of the mature tree canopy size and diameter/spread of shrubs and shrub/herbaceous plant massings. A plant schedule shall list the common name, size and quantity.

D. Perimeter screening and buffering.

- (1) Applicability. The following land use development must provide screening and buffering on the perimeter of the site:
 - (a) All nonresidential uses in the TBL, CC and GMU Zoning Districts must provide perimeter screening and buffering along site boundaries that abut lots zoned R-SF and R-MF and residential lots in the GMU District.

- (b) Uses that are specifically required to provide perimeter screening and buffering as part of any additional regulations required in Article VII, Supplemental Use Regulations, shall meet the standards of this Subsection D.

(2) Requirements.

- (a) For all required landscape screening and buffering, the plant choice, required mature height and width and placement of such buffers and screening shall be based upon the site topography, distance from street intersections, buildings and uses, and other existing conditions and proposed improvements.
- (b) The planting of coniferous evergreen trees at the corners of curb cuts and streets is prohibited unless stepped back to meet the requirements of § 325-17J, Visibility at intersections, as they may impede the line of sight of drivers who are exiting the property.
- (c) Each planting area shall be a minimum of five feet in width.
- (d) A screen of at least four feet in height at the time of planting, that results in a screening of at least six feet when fully mature and creates a noise- and sight-obscuring buffer that is any one or a combination of the following methods:
 - [1] A solid row of evergreen trees or shrubs.
 - [2] A solid row of evergreen trees and shrubs planted on an earthen berm an average of three feet high along its midline.
 - [3] A combination of trees or shrubs and fencing or wall.
- (e) Breaks in perimeter landscaping for pedestrian access may be required as determined by the Planning Board during site plan review.

E. Surface parking lot screening.

- (1) Applicability. The requirements in this subsection apply to all surface parking lots of 10 spaces or more located adjacent to a public right-of-way or visible to the public right-of-way from up to 50 feet, except for those land uses requiring perimeter screening as specified in Subsection D of this section.
- (2) Requirements.
 - (a) A landscape strip, as described below and illustrated in Figure 7, shall be provided on the property between the parking lot or access drive and a public right-of-way. The landscaped strip may not include any paved area, except pedestrian sidewalks or trails that cross the landscaped strip. Shrubs must be maintained at a maximum height of 36 inches and comply with the requirements of § 325-17J, Visibility at intersections.
 - (b) Any of the following landscaped strip treatments may be used singularly or in combination:
 - [1] A minimum six-feet-wide landscape strip between the right-of-way and the parking lot, to be planted with a minimum of one understory tree and eight shrubs per 25 linear feet of frontage, excluding driveway openings.
 - [2] A minimum four-feet-wide landscape strip between the right-of-way line and the

parking lot, with a minimum three-feet-high brick, stone, finished concrete wall or decorative metal fencing to screen the parking lot. The wall shall be located adjacent to but entirely outside the four-foot landscaped strip. Plant with a minimum of one understory tree per 40 linear feet of frontage, excluding driveway openings.

- [3] A berm, the top of which is at least 2 1/2 feet higher than the elevation of the adjacent parking lot pavement. Plant with a minimum of one understory tree and five shrubs per 25 linear feet of frontage, excluding driveway openings.

F. Parking area landscaping. For parking areas with 20 or more parking spaces the following standards shall apply (see Figure 7 for example illustration):

- (1) A minimum of 10% of the total surface area of all parking spaces, drive aisles and interior landscape must be planted with landscaping. Parking lot perimeter landscaping required by Subsection E above is not counted toward the minimum interior landscape requirement.
- (2) Shade shall be provided for at least 20% of the paved parking area using the following standard:
 - (a) One large shade tree for every 1,500 square feet of parking area. No tree that will be less than 30 feet in height at maturity shall be considered a shade tree.
 - (b) The use of a single tree species throughout the parking area is not encouraged.

G. Maintenance.

- (1) Any plant material used in the landscaping project shall be maintained in a healthy growing condition. The property owner bears the responsibility for maintenance of required landscaping. The Village has the authority to order that dying or dead landscaping be replaced by the current landowner or developer. The Village will work with a property owner to establish a realistic replanting plan when landscaping required by this section is lost due to situations beyond the control of the property owner or other related circumstances.
- (2) Planters and planter box furnishings that become in disrepair shall be repaired or replaced with planters of similar size and appearance.
- (3) If requested, the applicant shall submit a maintenance agreement describing methods of compliance with the requirements of this section, which shall be approved as part of site plan review. Adherence to such maintenance agreement shall be a condition of site plan approval.
- (4) Action upon noncompliance. Failure, neglect or refusal of the owner to perform the required maintenance action shall be taken in accordance with the enforcement provisions of this chapter.

H. Alternative landscaping plan. Alternative landscaping plans may be proposed where strict application of the requirements in this section would prohibit reasonable development of a property. The Planning Board may consider the topography, shape, size or other natural features of the property or design features of the development when considering the suitability of a proposed alternative landscaping plan. Examples of situations where alternative landscaping plans are more likely to receive favorable consideration are mixed-use buildings and developments that qualify for reduced parking under § 325-55, Motor vehicle off-street parking. Another technique that can be used in alternative landscaping plans is the enhancement of landscaping in a nearby area to soften the overall effect of the development, such as improvement of a nearby existing public right-of-way or space.

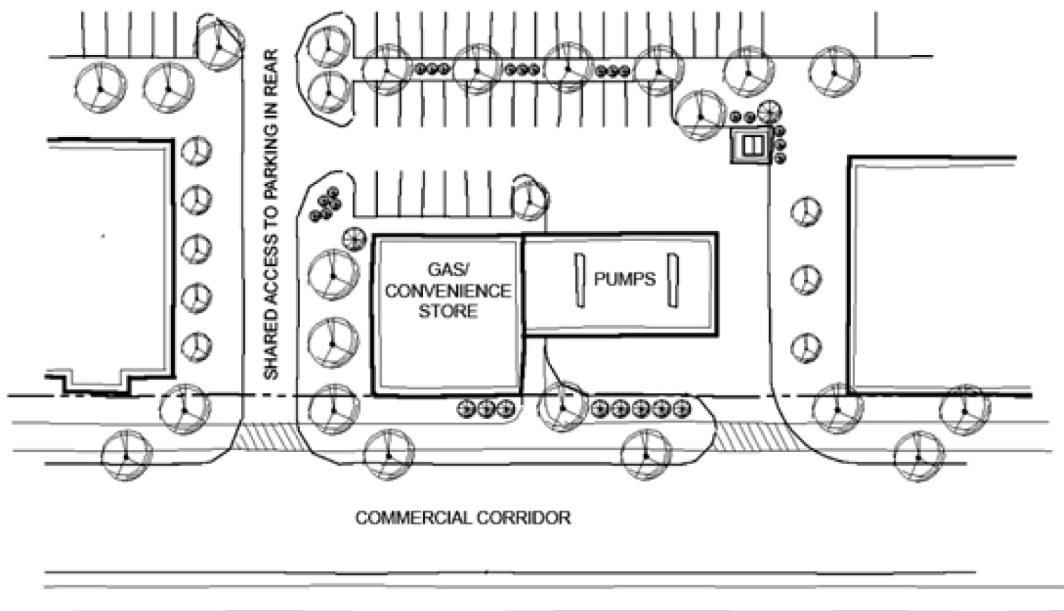


Figure 6: Shared access reduces curb cuts. Parking is located in back. Landscaping, including shade trees, is located along the pedestrian access perimeter and in the parking lot. Ornamental trees and bushes provide additional accents and buffers between uses.

§ 325-55. Motor vehicle off-street parking and loading.

- A. Purpose. The purpose of these off-street parking regulations is to provide adequate parking and loading facilities to serve the use or uses of the properties while discouraging the proliferation of surface parking lots, to provide appropriate site design standards for vehicle circulation and safe pedestrian movements, and to mitigate the impacts of parking lots on adjacent land uses and zoning districts.
- B. Applicability.
 - (1) The minimum off-street parking and loading requirements of this section shall be met for any newly constructed building or change in use, except that uses located in the MS Zoning District shall be exempt.
 - (2) Structures and land uses in existence or for which building permits have been approved at the time of the adoption of this chapter shall not be subject to the parking or loading space requirements of this section. However, any existing parking and loading facilities for such uses shall not be reduced unless they exceed the requirements of this chapter, in which case they shall not be reduced below the requirements of this section.
- C. Required number of off-street parking spaces.
 - (1) The minimum number of off-street parking spaces required shall be calculated using the standards in this Subsection C and Schedule D below.
 - (a) In religious uses and places of assembly in which patrons or spectators occupy benches,

pews or other similar seating facilities, each 20 inches of such seating facility shall be counted as one seat.

- (b) For uses not expressly listed in this section, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Planning Board.
 - (c) When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded and fractions over 1/2 shall require one parking space.
- (2) All vehicle parking must conform with the current Americans with Disabilities Act (ADA) guidelines and NYS Uniform Code.

Schedule D: Minimum Parking Space Requirements	
SF = Square Feet	GFA = Gross Floor Area
Use	Number of Required Spaces
Residential Uses	
Single-family detached, townhouses	2 per dwelling unit
Two-family and multifamily dwelling	1.5 per dwelling unit
Senior/Retirement housing complex	1 per dwelling unit, plus an additional 5% of the total residents' spaces shall be provided for visitors and others
Residential care facility	1 for every 3 beds, plus 1 for every 2 employees during maximum shift
Dormitories, group dwellings, fraternities and sororities	1 per two beds
Community Uses	
Child day care	1 per employee, plus 1 per 10 attendees
Community center	1 per 400 SF of GFA
Adult day care	1 per employee, plus 1 for every 10 attendees
Library	1 per 1,000 SF of GFA
Membership club	1 per 5 members or 1 per 4 seats in largest assembly area, whichever is greater
Municipal facility	1 per employee on the maximum shift, plus 1 space for each 200 SF of GFA
Museum or cultural facility	1 per 1,000 SF of GFA
Religious institution	1 per 4 seats
School	1 for each staff member, plus 1 space per 5 seats in the largest assembly facility
Commercial and Other Nonresidential Uses	

Schedule D: Minimum Parking Space Requirements	
SF = Square Feet	GFA = Gross Floor Area
Use	Number of Required Spaces
Agriculture, accessory retail	1 per 250 SF of GFA, plus 1 for every 4 employees
Bowling alley	2 per lane
Car wash	Stacking spaces per § 325-27, plus 2 drying spaces per stall
Funeral home	15, plus 1 for each employee on maximum shift
Gasoline station	5 parking spaces, exclusive of spaces related to a pump island
Golf, miniature/driving range	1 per tee
Health and fitness club	1 per 300 SF of GFA
Home occupation	1 for each employee, and if the occupation requires any customers and/or clients to visit the premises, at least 2 additional spaces shall be provided
Hospital	1 per patient bed, plus 1 for each employee on maximum shift
Hotel, inn, motel, bed-and-breakfast	1 for each unit, plus 1 per employee during the peak shift
Industry, including light and artisan/craft industries, maker space	1.3 per 1,000 SF of GFA and space to accommodate all trucks and other vehicles used in connection with the use
Meeting facility/conference center	1 per 300 SF of GFA
Motor vehicle repair	3 per bay or lift, whichever is greater
Office, professional/general (including medical clinic)	1 per 500 SF of GFA
Recycling facility	n/a
Recreation, indoor	1 per 4 seats
Recreation, outdoor	1 per 4 seats or 10 per playing field, whichever is greater; plus 2 bus parking spaces
Research/Laboratory	1 per 500 SF of GFA
Restaurant, bar, brew pub, tasting room	1 for every 4 seats, plus 1 for every 2 employees
Retail sales establishment, under 10,000 SF/ GFA	1 for every 500 SF of GFA

Schedule D: Minimum Parking Space Requirements	
SF = Square Feet	GFA = Gross Floor Area
Use	Number of Required Spaces
Retail sales and service-related establishments unless otherwise listed in Schedule D	1 for every 400 SF of GFA
Theater, entertainment venue	1 per 4 seats
Vehicle sales, rental and lease	1 per 1,000 square feet or less of outdoor display, plus 1 per employee
Veterinarian, office, clinic, hospital	1 per 350 SF of GFA
Warehouse/Wholesale distribution	0.5 per 1,000 SF of GFA
Wholesale, retail	1 per 400 SF of GFA

- D. Required electric vehicle (EV) charging stations. All newly created off-street surface parking lots with 20 or more spaces shall provide dedicated EV charging stations at a minimum rate of two per 20 surface parking spaces.
- E. Maximum parking standards. The maximum number of off-street parking spaces for any use shall not exceed 120% of the number of spaces required above. Any fraction of a space may be rounded up to equal one space.
- F. Shared parking.
- (1) Shared parking areas with multiple uses is encouraged. In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant to the satisfaction of the Planning Board that staggered hours of use would permit reduction of this requirement. See Figures 7 and 8.
 - (2) An agreement establishing joint use of a parking area, approved by the Planning Board, shall be recorded with the Code Enforcement Officer. Such agreements shall run with the land for all properties with joint use of parking areas and require Planning Board approval for any change or termination.
- G. Parking location.
- (1) Parking areas on residential lots.
 - (a) No off-street parking area on a residential lot shall be located between the front plane of a principal dwelling and the street, except in a driveway used to access an attached garage or accessory garage located in the side yard.
 - (b) Off-street parking in the front yard shall only be permitted in the driveway. Only one driveway shall be permitted per residential lot with up to five dwelling units. An additional single-width driveway or one double-width driveway is permitted in multifamily dwellings with more than five units.
 - (c) Boats, boat trailers, recreational vehicles, campers shall only be parked or stored in the

rear yard.

- (d) Overnight parking or outdoor storage of any vehicle licensed for commercial purposes and with more than two axles shall be prohibited in any residential district.
- (2) For all new building construction in the MS, DMU, NMU, GMU and CC Districts, off-street parking shall be located to the side or rear of the principal building; parking to the rear is preferred. On a corner lot, buildings may be located to accommodate up to 50% of off-street parking on each side, except where East or West Main Street is identified as the side street. See Figure 8.
- (3) Parking lot entrances and exits for off-street parking with more than four spaces shall not be located within 50 feet of street intersections.
- (4) Every parking lot containing 20 or more spaces shall be provided with a two-way driveway not exceeding 20 feet in width or two one-way driveways not exceeding 12 feet in width each.

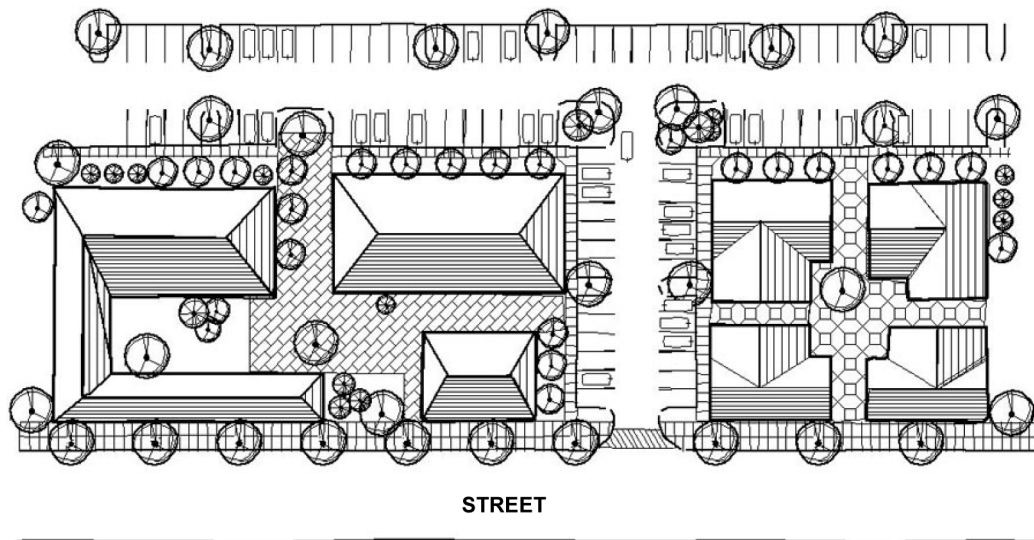


Figure 7: Shared parking lots, located to the side or rear of the building; parking to the rear is preferred. Landscaping strips buffer uses from parking lots.

H. Minimum parking stall and aisle dimensions.

- (1) All parking spaces (stalls) and drive aisles shall comply with the minimum standards of this section and Schedule E. Nothing shall prohibit the creation of larger parking spaces. Figure 9 below provides a diagram correlating to Schedule E.

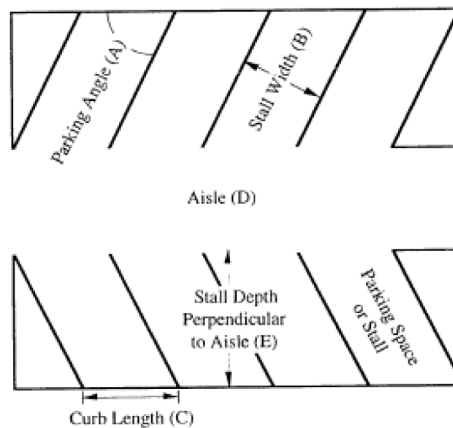


Figure 9: Schedule E parking dimension illustration.

Schedule E: Minimum Parking Stall and Aisle Lot Dimensions				
Parking Angle (A)	Stall Depth (E) (feet)	Stall Width (B) (feet)	Aisle Width (One-Way) (D) (feet)	Aisle Width (Two-Way) (D) (feet)
0° (parallel)	22	8	12	20
30°	18	9	12	22
45°	18	9	12	22
60°	19	9	14	23
90°	18	9	22	23

- (2) All surface parking lots and parking structures must conform with ADA Standards for Accessible Design and ADA Accessibility Guidelines.
- (3) Compact cars. Parking spaces clearly designated for compact cars may be 16 feet in depth and eight feet in width.
- (4) Motorcycles and scooters. Parking spaces for motorcycles and scooters shall be a minimum of four feet in width and eight feet in depth.
- (5) If parking spaces are located only on one side of the access aisle, the width of the access aisle may be reduced by 20% but shall not be less than 12 feet wide, or 18 feet wide if a designated fire lane.
- (6) Parking areas shall be arranged with turnaround areas to permit cars to exit the area without backing onto any street or sidewalk.
- (7) Parking spaces and aisles shall have height clearance of at least 7 1/2 feet.
- (8) No off-street, exterior surface parking space shall be located within four feet of a sidewalk.

- (9) Clearly defined and marked sidewalks with a minimum width of four feet shall be required within parking lots and shall be provided for the length of the parking to the entrances of establishments.
- (10) Car stops/wheel stops. Car stops or other suitable devices as determined by the Planning Board may be required to protect sidewalk encroachment, or protect fencing, landscaping and other screening devices from damage.
- (11) Projects expanding surface parking lots that require site plan review shall include areas for snow storage.

I. Parking lot construction and materials.

- (1) Pavement construction. All parking and driveways shall be constructed using asphalt, concrete, pavers or other semi-pervious surfaces approved by the Code Enforcement Officer.
- (2) One of the following types of green infrastructure shall be utilized to reduce impacts associated with parking lots:
 - (a) Paving materials with a solar reflectance index (SRI) of at least 29 to reduce the heat island effect.
 - (b) Pervious pavement material, such as permeable asphalt, permeable concrete or permeable pavers to improve stormwater management and drainage.
 - (c) Recycled content of 15% or more for improved sustainability.
- (3) Clearly defined and marked sidewalks shall be distinguished from driving surfaces through the use of special pavers made of brick, scored concrete or similar materials.

J. Screening of parking lots.

- (1) Parking lots adjacent to a public right-of-way, including sidewalk and trails, or visible from the public right-of-way from a distance of up to 50 feet shall meet the landscaping and screening requirements of § 325-54F.
- (2) Parking lots on properties abutting residential lots zoned R-SF and R-MF shall provide screening along property lines or parking lot perimeter abutting and/or visible from the residentially zoned lot meeting the requirements of § 325-54E.

K. Loading areas. Every structure constructed after the effective date of this chapter and used for nonresidential use shall provide sufficient space for the unloading and loading of vehicles either off-street or in coordination with the Village. The adequacy of any proposed loading areas shall be considered as part of the site plan and traffic circulation review. Such loading areas shall have access to a public alley or a public street in such a way to minimize conflicts with the circulation of other vehicles and pedestrians and provide safe and effective access to the Village street network.

§ 325-56. Motor vehicle access management and driveways.

- A. No new access driveways or curb cuts shall be created on East and West Main Street in the MS and NMU Zoning Districts except when a new access driveway would consolidate other existing access driveways into a shared access driveway arrangement.
- B. Shared access driveways between properties are preferred to reduce curb cuts and traffic conflicts.

All infill development on East and West Main Street shall address the ability or opportunity to share a driveway with an adjoining lot. See Figures 7 and 8.

- C. All applicants for nonresidential development projects shall address opportunities for creating parking lot connections with adjoining properties to improve traffic flow. Where appropriate, to facilitate traffic flow, the Planning Board may require paved connections between abutting parking areas under different ownerships. See Figure 7.

§ 325-57. Bicycle and buggy parking.

- A. Purpose. It is the intent of these standards to encourage and support the use of bicycles and horse-drawn buggies as modes of transportation by providing safe and secure parking options and to ensure that such parking is designed and located in a consistent manner.

B. Bicycle parking.

- (1) Bicycle parking shall be provided as part of any new off-street surface parking lot or the expansion of an existing off-street surface parking area of five or more vehicle spaces as prescribed below:

- (a) A minimum of one bicycle space shall be created for any new lot or expansion of a lot with five or more vehicle spaces.
- (b) One additional bicycle space shall be provided for each additional five vehicle parking spaces, in addition to the initial space required in Subsection B(1)(a) above.

- (2) Location and design.

- (a) Required bicycle parking shall be as convenient as motor vehicle parking. If such location is within the public right-of-way, approval must be granted by the Village Board.
- (b) Bicycle parking shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier such as curbs, wheel stops, poles or other similar features.

- (3) An aisle a minimum of five feet wide shall be provided adjacent to any bicycle parking facilities to allow for maneuvering.
- (4) Racks and structures shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points. Racks may be ground-mounted or wall-mounted, and they must be securely affixed or bolted to the ground or wall.
- (5) The parking surface shall be designed and maintained to be mud- and dust-free. The use of rock or gravel areas for bicycle parking is permitted, provided there is edging material so the bicycle parking area is clearly demarcated and the rock material is contained.

C. Horse-drawn buggy parking.

- (1) All newly created off-street surface parking lots with 20 or more spaces shall provide, at a minimum, a safe, dedicated area equipped with a post or similar structure for hitching under a tree canopy to accommodate the parking of at least one horse-drawn buggy.
- (2) The parking space shall be a minimum of 20 feet in depth and 12 feet wide and, if located in a parking area otherwise dedicated to motor vehicles, shall be located on the perimeter.

- (3) Such designated area shall be clearly demarcated and posted with signage.

§ 325-58. Outdoor lighting standards.

- A. Purpose. The purpose of this section is to require and set minimum standards for outdoor lighting that are appropriate for safety, security and visibility for pedestrians and motorists, while minimizing glare and light pollution.
- B. Applicability. The lighting standards of this section shall apply to all new development and expansion of any existing principal structure or parking lot by at least 50%, unless otherwise stated in this section.
- C. Exemptions.
- (1) Low-intensity light fixture. Any light fixture with a lamp or lamps rated at a total of 1,800 lumens or less, and all flood- or spotlights with a lamp or lamps rated at 900 lumens or less (equivalent to a 100-watt light bulb), may be used without restriction to light distribution or mounting height, except that no light may be directed toward and onto adjacent properties or to create glare perceptible to persons operating motor vehicles on public ways.
 - (2) Public streetlighting installed by the Village or other authorized governmental entity.
 - (3) Emergency lighting or temporary construction lighting, as may be required by a public agency.
- D. Prohibited lighting. The following lighting types and scenarios are prohibited:
- (1) Lighting that could be confused for a traffic control device.
 - (2) Lighting that is oriented upward, except as otherwise provided for in this chapter.
 - (3) Searchlights, beacons and laser source light fixtures.
 - (4) Lights that blink, flash, move, revolve, flicker, change intensity or change color except as provided in § 325-66E, Electronic message centers (LED).
 - (5) Lighting inside an awning when the awning material is translucent.
- E. Site plan requirements. Outdoor lighting shall be addressed as part of any site plan approval by providing the following items:
- (1) A site plan showing location of all exterior lighting fixtures and a numerical grid of lighting levels, in footcandles, that the fixtures will produce on the ground.
 - (2) Property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent rights-of-way, North arrow and scale.
 - (3) Lamp type and wattage.
 - (4) Specifications for all proposed exterior light fixtures and poles, showing the design and finishes and designation as Illuminating Engineering Society of North America (IESNA) cut-off fixtures.
 - (5) Any other information and data necessary to evaluate the required lighting plan.
- F. General requirements.

- (1) All maximum and minimum lighting levels shall comply with the latest published recommendations of the IESNA.
- (2) Lighting color and fixture types shall be consistent through the site and shall complement the architecture of any structure and the landscape of the site.
- (3) Lighting fixtures should accomplish a dual purpose, such as architectural lighting that also provides security, or landscape lighting that also lights adjacent paths, if possible.
- (4) Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent properties.
- (5) Light fixture types and design.
 - (a) Full cutoff light fixtures must be used in parking areas, along internal streets and along pedestrian ways. Cutoff luminaires or semi-cutoff luminaires may be allowed in these locations when the overall upright would be less than for full cutoff luminaires. To promote a unified development theme, post-top luminaires (also referred to as "period lighting") may be used as an alternative if they have built-in reflectors that effectively eliminate upright. Except as provided in this chapter, all other luminaires must be directed downward and the light source must be shielded so it is not visible from any adjacent property.
 - (b) Incandescent light sources of 100 watts or less or other light sources of 60 watts or less that are located at least 150 feet from the lot line of a residential district are exempt from the cutoff requirements.
 - (c) There shall be consistency of lighting fixtures adjacent to and visible from the public street on blocks and streets to create a unifying scheme of illumination that is appropriate to the scale of the street and the level of nighttime activity. Lamp styles shall not be mixed along any one block or street.
 - (d) Material for light poles. Light poles must be anodized, painted or otherwise coated to minimize glare from the light source.
- (6) Maximum height. The total height of exterior lighting fixtures, including the base, shall be a maximum of 20 feet for parking lots adjacent to nonresidential uses and 14 feet for all non-parking lots, pedestrian walkways and parking lots adjacent to residential uses.
- (7) Illumination requirements.
 - (a) The intensity of light on a site shall not exceed the following standards:
 - [1] Illumination in a front, side and rear yard, as measured at the property line, that abuts a residential property shall not exceed 0.1 footcandle.
 - [2] Illumination in a front, side and rear yard, as measured at the property line, that abuts a nonresidential use shall not exceed 0.3 footcandle.
 - (b) Light fixtures for the pedestrian realm and public spaces shall be closely spaced, generally no more than 30 feet on center, to provide appropriate levels of illumination.
- (8) Installation for lighting conduit shall be placed underground.

G. Additional standards for specific lighting.

(1) Building lighting.

- (a) Lights shall not be mounted above the parapet or eave on a pitched roof.
- (b) Decorative lighting is permitted to enhance the appearance of a building and/or landscaping, provided that all light is cast up against the building surface or downward onto a tree or other landscape feature and away from pedestrians or any adjacent property in the R-SF, R-MF and NMU District, and does not cause distracting reflections on any storefront window or adjacent properties.

(2) Canopies. Automobile-oriented uses such as gasoline stations, service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy and shields to prevent effects of glare on adjoining properties.

(3) Signage illumination shall meet the standards of § 325-65D.

H. Lighting curfew.

- (1) To minimize the excessive use of illumination, outdoor lighting, except as required for security, should be extinguished during nonoperating hours.
- (2) Lighting in vehicle surface parking areas must be reduced by at least 50% of approved levels after business closing time to one hour before the business opens. If lighting levels are already below 50% of permitted levels, no curfew adjustment is required. Alternatively, where there is reduced but continued on-site activity throughout the night that requires site-wide, even illumination, the use of dimming circuitry to lower illuminations by at least 50% after 10:00 p.m. or after normal business hours shall be permitted to meet the requirement.

§ 325-59. Stormwater management.

A. Purpose. To safeguard persons, protect property and preserve the natural environment by managing stormwater runoff rates and volumes; prevent soil erosion, siltation and stream channel erosion; manage non-point source pollution associated with stormwater runoff; and protect groundwater, the following additional development practices are required.

B. Stormwater pollution prevention plan requirements.

- (1) A stormwater pollution prevention plan (SWPPP) shall be prepared meeting the NYS Standards and Specifications for Erosion and Sediment Control for the following land development activities:
 - (a) Any land development activity, except in the TBL Zoning District, that will involve soil disturbance of 1/2 acre (2,178 square feet) or more, or soil disturbance of less than 1/2 acre that is part of a larger development plan consisting of at least 1/2 acre in area. Applicants proposing land development activity that falls below this threshold must manage construction and post-construction stormwater runoff but are not required to prepare a SWPPP. A SWPPP must be completed as part of site plan review.
 - (b) Any new development that creates a new impervious area of 2,500 square feet or more in the MS and DMU Zoning Districts.

C. Low-impact development and green infrastructure.

- (1) Where practicable, stormwater management facilities shall utilize green infrastructure best management practices (BMPs) according to the following hierarchy of preference:
 - (a) Conservation of natural areas.
 - (b) On-site infiltration practices, including, but not limited to, bioretention cells/rain gardens, vegetated swales, filter strips, constructed wetlands and porous pavement.
 - (c) Capture and reuse of runoff through low-impact practices, including, but not limited to, green roofs, blue roofs and rain barrels or cisterns.
- (2) If such low-impact development and green infrastructure practices are technically infeasible for reasons including, but not limited to, high groundwater, shallow bedrock, poor infiltration of underlying soils, contamination, etc., a statement summarizing the technical rationale shall be provided for Code Enforcement Officer, Planning Board or a retained professional engineer review. If deemed acceptable by the Code Enforcement Officer and/or Planning Board in written findings, the provision of Subsection C(1) above shall be waived.

§ 325-60. (Reserved)

ARTICLE IX
Signage

§ 325-61. Purpose.

This article is designed to regulate the size, placement and other characteristics of signs in the Village for the purpose of:

- A. Promoting quality signs to improve identification and communication in advertising;
- B. Protecting the historic character and aesthetic value of buildings, streetscapes and neighborhoods;
- C. Promoting and protecting the public health and safety;
- D. Enabling the public to conveniently and safely identify facilities; and
- E. Enhancing and preserving the value and quality of properties.

§ 325-62. Applicability; permit procedures.

- A. Except as otherwise provided in this chapter, no sign or other advertising device shall be erected, constructed, displayed, moved, reconstructed, extended, enlarged or altered except in conformity with this article and, where applicable, without first obtaining a permit from the Code Enforcement Officer in accordance with the following procedures and standards.
- B. The Code Enforcement Officer, at their discretion, may seek a recommendation from the Planning Board regarding any application for a sign permit.
- C. LED/Electronic message centers and common signage plans must be approved by the Planning Board prior to the Code Enforcement Officer issuing a permit.
- D. A permit shall be required for any change in the size, shape, lighting, materials or location of an existing sign, except for exempt signs described in § 325-63 below.
- E. Application for a permit shall be made in writing to the Code Enforcement Officer. One application may include more than one sign, provided that all signs contained in such application are to be erected at the same time on one lot. Applications for new signs or proposed changes in existing signs shall include the following information:
 - (1) Plans to scale detailing the dimensions and area of the sign(s), the location of the sign(s) on the building, structure or property where the sign(s) will be erected or attached and a visual simulation or photo to scale illustrating colors, materials, lettering, artwork and method of illumination, if any.
 - (2) Written consent of the owner of the structure or real property upon which the sign is to be attached or erected, in the event the applicant is not the building or property owner.
 - (3) Each application for a permit shall be accompanied by the fee set forth in the current Fee Schedule adopted by the Village Board. Such fee shall be based on all signs contained in such application.

§ 325-63. Signs exempt from permitting.

The following signs may be erected and maintained without a permit or fee, provided that such signs

comply with all requirements of this chapter:

- A. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service or safety that are erected by or on the order of a public officer in the performance of their public duty.
- B. Any signs required by state or federal law; such signs must be displayed per state law.
- C. Signs denoting the name and address of the occupants of the premises; such signs shall not exceed three square feet in area.
- D. Building identification signs that are incorporated on the facade of a structure, not exceeding three feet in height nor more than 5% of the facade of the building side upon which they are constructed. Building identification shall not identify any tenant or occupant of the structure. Only one building identification sign shall be allowed on a facade and only on a facade that has street frontage. No illumination of these signs is permitted.
- E. Historical site markers, memorial plaques and cornerstones.
- F. Flags, pennants or insignia of any government or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- G. Painted graphics that are murals, mosaics or any type of graphic art that are painted on a wall or fence and do not contain copy, advertising symbols, lettering, trademarks or other references to the premises, products, or services that are provided on the premises where the graphics are located or any other premises, are not signs for the purposes of these regulations.
- H. Sandwich boards meeting the standards of § 325-66D.
- I. Window signs meeting the standards of § 325-66F.
- J. Feather flags meeting the standards of § 325-66G.
- K. Temporary signs.
 - (1) A temporary sign is defined as a sign designed or intended to be displayed for a short period of time. Signs that are temporary in nature based on duration of an event, including but not limited to election signs, "for sale" signs, grand opening event signs and other event signs, shall be permitted without a permit, provided the following standards are met:
 - (a) Temporary signs shall be limited to 60 days and shall be removed within 10 days of an event or conclusion of the activity unless otherwise provided in this section.
 - (b) Temporary signs may not exceed 12 square feet of sign area in the OS, R-SF, R-MF and NMU Zoning Districts, and may not exceed 20 square feet of sign area in all other zoning districts.
 - (2) Signs advertising the sale, lease, rental or construction on the premises upon which they are located, which may include the name of the owner, broker, contractor or any other person interested in the sale or rental of such premises. Signs bearing the word "sold" or "rented" may be erected or maintained, provided such signs are removed within 10 calendar days of the change in occupancy or project completion.
 - (3) Feather flags, pennants, banners and streamers are considered temporary signage regardless of

design or intent for purposes of this chapter and shall meet the standards of this Subsection K.

- L. Wayfinding signs. Signs designating entrances or exits to or from a parking area shall not count toward the maximum cumulative sign area; however, such signage is limited to one sign for each exit and entrance, and said signs are limited to a maximum size of four square feet. In addition, each parking area shall be permitted one sign per street frontage that designates identity and restrictions for parking.
- M. Announcement signs or bulletin boards. One announcement sign or bulletin board, not exceeding six square feet in area, is permitted, either fixed to a wall of the building or located in the required front yard, provided it is set back at least three feet from the interior edge of the sidewalk or 10 feet from the edge of pavement when no sidewalk exists, and at least five feet from all other property lines.

§ 325-64. Prohibited signs.

The following signs are prohibited in the Village:

- A. Signs with any mirror or mirror-like surface, day glowing or other florescent paint or pigment.
- B. Signs animated by means of flashing, blinking or traveling lights.
- C. Banners erected across any street in the Village, except upon application for and receipt of a permit from the Village Board. Nothing in this chapter shall be construed as restricting the reasonable and proper display of the American flag.
- D. Off-premises signs/billboards, except off-premises directional signs as permitted in § 325-66I.
- E. Inflatable devices.
- F. Marquees.
- G. Roof signs, which are defined as a sign erected upon or above a roof or parapet wall of a building, and which is wholly or partly supported by that building.
- H. Vehicular signs, which are defined as any vehicle and/or trailer to which a sign is affixed in such a manner that the carrying of the sign is no longer incidental to the vehicle's purpose but becomes the primary purpose of the vehicle.
- I. Signs that detract from or obstruct public view of historic buildings or structures.
- J. Signs using of the words "stop," "look," "danger," "caution" or any other word, phrase, symbol or character that may tend to confuse, mislead or resemble any governmental or duly authorized sign.

§ 325-65. General provisions.

Additional provisions for signs depending on sign type and location are provided in Schedule F of this article.¹²

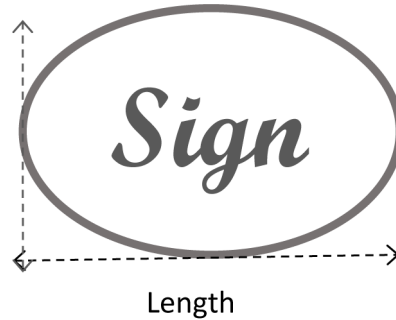
- A. Sign area calculation.

- (1) Sign area. The area of a sign shall be determined by the smallest rectangle that encompasses all letters or symbols that make up the sign, together with the area of any background of a different

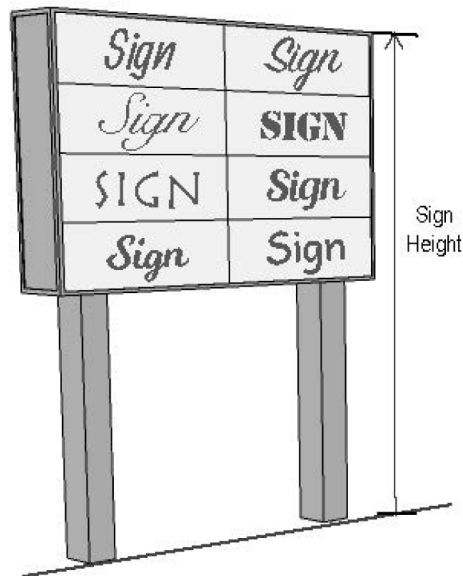
12. Editor's Note: Schedule F, Sign Standards in Development Zones, is included as an attachment to this chapter.

color or material than the general finish of the building, whether painted or applied. For the purposes of calculating total sign area, one side of a two-sided or double-sided sign shall be counted as long as the two faces are identical in size and dimension.

Sign Area Calculation
(length X height)



- (2) Sign height. Height shall be measured vertically between the highest point of the sign or sign structure and the average adjacent ground level for 10 feet in any direction of any sign support.



- (3) Sign calculation on a corner lot.
- (a) Signs on corner lots may be displayed on both facades of the principal building fronting a public street. Such signs shall meet the size standards for the zoning district as provided in § 325-68, Schedule F¹³ of this article for each front facade.

13. Editor's Note: Schedule F, Sign Standards in Development Zones, is included as an attachment to this chapter.

- (b) Notwithstanding Subsection A(3)(a) above, only one freestanding sign shall be permitted on a corner lot.

B. Location of signs.

- (1) Signs shall not use utility poles or trees as a medium of communication or means of support.
- (2) Signs shall not be placed on/attached to fences.
- (3) No sign shall be located in a public right-of-way, except as otherwise permitted in the Village Code.
- (4) Permanent or temporary signs erected or placed at or near the intersection of any street, alley or driveway access shall not cause a traffic hazard by reason of the position, height, shape, color or illumination of the sign that may interfere with line-of-sight visibility nor obstruct the view of, or be confused with, any authorized traffic sign, signal or device.
- (5) No sign shall be located so as to detract from, or obstruct public view of, historic structures or features, scenic views or any other recognized natural features.

C. Sign construction.

- (1) All signs shall comply with applicable regulations of the current Uniform Code and the standards of the National Electrical Code.
- (2) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 20 pounds per square foot of surface area.
- (3) All signs, including projecting signs, shall be securely anchored and shall not swing or move in any manner.
- (4) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.

D. Illumination of signs.

- (1) "Illumination" refers to any sign illuminated by artificial light, either from the interior or exterior of a sign, and includes reflective and phosphorescent light.
- (2) Internally illuminated signs are signs that derive illumination from an internal source and shall include all plastic signs lighted from behind and all awnings lighted to give the appearance of being lit from within the awning.
- (3) Internally illuminated signs shall only be permitted in the CC and TBL Zoning Districts.
- (4) Lighting directed toward a sign shall be shielded so it illuminates only the face of the sign and does not shine directly into the public right-of-way or onto a property other than the lot on which the illumination is situated.
- (5) All backlit signs shall have a dark background. Only the letters and/or message area of the sign shall be illuminated. Whenever possible, backlit signs shall be constructed flush with the building facade.
- (6) Electronic message centers/displays that meet the standards of § 325-66E shall only be

permitted in the CC Zoning District, except as provided in Subsection D(7) below, with a maximum display area of 12 square feet.

- (7) Neon or LED-illuminated signs shall be permitted for use in window signs only and shall not exceed 20% of the size of the window. Such interior signs shall only be permitted on one face of the building.

§ 325-66. General standards for certain sign types.

A. Wall signs.



*Wall sign with
exterior lighting*

- (1) Description. A wall sign is one that is painted on, or attached to, the outside wall of a building, with the face of the sign in the plane parallel to such wall.
- (2) On buildings with designated sign bands, wall signs identifying establishments shall be located in the sign bands to maintain a cohesive and attractive signage location and appearance.
- (3) Wall signs shall not project more than nine inches from the surface of the wall.
- (4) Wall signs shall not extend more than 80% of the building frontage in length or over the top of the wall to which the sign is attached and shall not cover a window, obscure architectural detailing or interrupt a roof line.
- (5) No wall sign may extend above the windowsills of the second story. No portion of a wall sign may extend above the roofline or parapet wall, or above the lower eave.
- (6) Wall signs shall not exceed 2 1/2 feet in height, except in the E-C, GMU, CC and TBL Zoning Districts when the building on which the wall sign is to be located is set back at least 50 feet from the edge of pavement of all public streets.
- (7) Wall signs above or below the street level. A business or entity located above or below street level of a building may have a sign that does not exceed a maximum area of nine square feet.
- (8) Wall signs below street level. In lieu of a primary wall sign or projecting sign, a sign may be located on the wall, planter or handrail legally erected and located adjacent to the stairway leading to the entrance of the business or entity. This primary sign may not exceed 1 1/2 feet in height and six feet in length and may not extend beyond the end of the planter, wall or railing to

which it is attached.

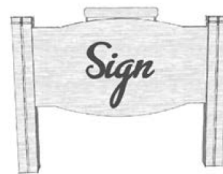
B. Projecting signs.



Projecting sign.

- (1) Description: a sign that projects more than 12 inches perpendicular to the building's face.
- (2) One projecting sign shall be permitted per each distinct business or entity facade on a lot in lieu of a wall sign, except that no more than one projecting sign shall be permitted every 30 linear feet of continuous faced frontage.
- (3) Signs shall not project more than four feet perpendicular from the side of the building; and when suspended over a pedestrian walkway such as a sidewalk or entranceway, the bottom of such signs shall be no lower than eight feet measured vertically.
- (4) The highest point of the projecting sign must be no higher than the bottom of the second-floor window line or the eave line of the principal building on the property, whichever is lower.

C. Freestanding signs.



Freestanding sign.

- (1) Description. A "freestanding sign" is defined as a permanent, self-supporting sign standing alone on its own foundation. This definition shall not include temporary or portable signs. This definition shall include "monument" signs.



*Monument sign or
freestanding sign.*

- (2) One freestanding sign is permitted on a lot where freestanding signs are permitted as provided in Schedule F¹⁴ and only on a lot where the principal building is set back a minimum of 15 feet from the front lot line.
- (3) All freestanding signs shall be set back at least three feet from the interior edge of the sidewalk or 10 feet from the edge of pavement when no sidewalk exists; except on a corner lot, where freestanding signs shall be set back 20 feet from the intersection measured at the edge of pavement, and there shall be at least three feet of clear space between the bottom of the sign board and the ground, provided that necessary supports may extend through such clear space.
- (4) The maximum allowable height of a freestanding sign is provided in Schedule F.

D. Sandwich boards.



*Sandwich board or
sidewalk sign.*

- (1) Description: a portable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an "A."
- (2) No more than one sandwich board may be displayed per establishment facade.
- (3) Sandwich boards may be up to eight square feet in size per side.
- (4) Sandwich boards may be displayed only during the hours when the establishment is open to the general public.

14. Editor's Note: Schedule F, Sign Standards in Development Zones, is included as an attachment to this chapter.

- (5) Sandwich boards shall not be located in such a manner as to restrict vision or impair vehicular or pedestrian safety or maintenance of Village sidewalks, interfere with ingress and egress points, and must maintain a minimum of five feet of sidewalk clearance at all times.

E. Electronic message centers (EMC), including LEDs.

- (1) Description: any sign that contains liquid crystal diodes (LCD), light-emitting diodes (LED), plasma, light bulbs or other digital illuminated displays that allow for fixed or changeable copy, symbols, figures or images by remote or automatic means.
- (2) Definition of display area: the area that encloses the limits of the message, announcement or decoration on a building or freestanding sign. For EMCs, the display area may equal the total allowed sign surface area as permitted below.
- (3) EMC standards.
 - (a) Only one EMC sign is allowed per lot, except in the case of a single EMC with two faces that are back-to-back and not more than 24 inches apart. For purposes of gas stations, pricing on all pumps shall constitute one sign use.
 - (b) Message duration time and motion. The message or copy of an EMC shall be static and may not change more than once in a twenty-four-hour period.
 - (c) Dimming. EMCs must include a photocell to control brightness and automatically dim based on ambient light.
 - (d) Colors. EMC messages or copy shall not be more than two colors per message.
 - (e) Brightness. The maximum allowable brightness for EMCs is no greater than 0.3 footcandle above ambient light conditions as measured by a footcandle meter, when measured perpendicular to the EMC face at a distance determined by the following formula:

$$\text{Measure distance (ft)} = \sqrt{[\text{area of EMC sign (in sq. ft.)} \times 100]}$$

- (f) Light trespass. At property lines, light trespass from the EMC shall be no more than 0.5 footcandle.

F. Window signs.

- (1) Description. A regulated window sign consists of individual letters, logos or symbols applied to, stenciled on or etched into the glass surface or within four feet of the inside of a window, that is plainly visible from the exterior of the building. Window signs also include lighted signs with transparent backgrounds hung inside the window glass.
- (2) Window signs may cover no more than 25% of the window area.
- (3) No window sign shall be displayed more than once per elevation, north, south, east and west.
- (4) Exceptions to window coverage limit. The following exceptions are permitted to exceed the 25% maximum coverage of a window:
 - (a) Open/Closed sign: a maximum of two square feet is allowed; one sign per street elevation is allowed.

- (b) Information sign. For posting of days and hours of operation, building or tenant address, phone numbers, accepted credit cards: a maximum of two square feet is allowed on or adjacent to the entrance door.
- (c) Temporary window signs, except that no such sign, other than a leasing or "for rent" sign, shall be displayed for more than 60 days.
- (d) Holiday decorations are exempt from these regulations.

G. Feather flags.



*Example of a
feather flag.*

- (1) Description: a sign that is a vertically oriented banner attached to a single pole allowing the fabric to hang loose at one, two or three of the four corners.
- (2) Feather flags may only be used as a temporary advertising device in the following manner:
 - (a) One feather flag per lot may be utilized in the NMU and MS Zoning Districts for up to 45 days in a twelve-month period, but shall be removed daily at the close of business or end of the day's event. If an event is multiple days, the feather flag shall still be removed daily.
 - (b) One feather flag per lot may be temporarily installed for up to 60 days in a twelve-month period in the CC and TBL Zoning Districts.
- (3) Feather flags shall not exceed 10 feet in height, including the flag's stand.
- (4) Feather flags shall be set back three feet from the interior edge of the sidewalk or 10 feet from the edge of pavement where sidewalks do not exist and shall not be placed in locations that restrict vision or impair pedestrian or motor vehicle safety. An unobstructed pedestrian pathway of five feet shall be maintained.

H. Canopy and awning signs.



- (1) Description. A sign painted on, printed on or attached flat against the surface of an awning made of canvas or fabric or similar material, which is affixed to a building and projects therefrom. Such signs may be retractable.
- (2) The valance portion of an awning or canopy meeting the following standards may be used as a sign and shall count toward the total cumulative sign area but shall not be counted as an additional sign:
 - (a) Any sign (logo and/or lettering) on an awning shall not exceed 60% of the exterior surface of the awning.
 - (b) The bottom of the awning or canopy shall be at least eight feet above the finished grade.
- (3) The valance portion shall not project more than 10 feet from the building facade and must be supported by a rigid framework securely attached to said building in such a manner as to be at all times safe and self-supporting.

I. Off-premises directional signs.

- (1) Description. "Off-premises directional signs" are defined as signs located on a parcel of land other than that parcel where the business, service or event advertised is located that conveys instructions regarding pedestrian and/or vehicular movement.
- (2) Off-premises directional signs are not permitted in the OS, R-SF, R-MF, NMU or GMU Zoning District.
- (3) Off-premises signs shall meet sign area and all other standards of this chapter for the type of sign to be utilized, except as required in Subsection I(4) below.
- (4) An off-premises directional sign shall be situated at least 10 feet, but not more than 15 feet, from the public right-of-way leading to the building referenced by the sign, and shall be situated at least 10 feet from any other public right-of-way or property line of the premises on which it is situated. The building where the business referred to by the sign is conducted must be at least 100 feet from any public right-of-way.
- (5) Only one off-premises sign up to 32 square feet may be located on a lot.
- (6) Written permission of the landowner where the sign is to be placed is required to be filed with the Code Enforcement Officer.

§ 325-67. Signage permitted in all districts with permit.

- A. The following signs are permitted in any zoning district with a permit from the Code Enforcement Officer:
- (1) Signs denoting a subdivision name or multifamily residential property. The total sign area shall not exceed 12 square feet in area. If such sign is freestanding, it shall be set back three feet from the interior sidewalk edge or 10 feet from the edge of pavement where no sidewalk exists. Such signs shall not be illuminated.
 - (2) Home occupation identification signs. A home occupation, as defined in § 325-33, is permitted one identification sign if no other wall or projecting sign is permitted as provided in § 325-68 and such sign meets the following standards:
 - (a) Signs shall not exceed three square feet in area.
 - (b) Signs may be located on the building wall or in the required front yard, provided that they are set back at least 10 feet from all property lines and are not more than six feet above the natural ground level at their location.
 - (3) A property utilized for a nonresidential or business activity as a principal use shall be permitted up to one sign and shall meet the following standards:
 - (a) The total cumulative area of all signs permitted on such lot shall not exceed 12 square feet.
 - (b) Notwithstanding § 325-17J, Visibility at intersections, the maximum height of a freestanding sign above grade level of the road shall be five feet, and the sign shall be set back at least 10 feet from any property line unless on a corner lot. On a corner lot, a freestanding sign shall be set back 20 feet from the intersection.

§ 325-68. Signs permitted in mixed-use and commercial zoning districts with permit.

- A. In addition to the signage permitted in all districts as established in § 325-67 above, additional signage is permitted in certain zoning districts as established in this section and in Schedule F with an approved permit from the Code Enforcement Officer.¹⁵
- B. The maximum cumulative sign area permitted for all signs on a lot, the maximum sign area for different types of signs and the height of signs are provided in Schedule F.
- C. Signage permitted in Schedule F shall meet the general requirements for sign types established in § 325-66.
- D. Number of signs.
- (1) In the NMU Zoning District, a total of one sign is permitted per lot.
 - (2) In the MS, DMU, GMU, CC and TBL Zoning Districts, the total number of signs is established by the maximum cumulative sign area permitted for all signs on a lot, the maximum sign area for different types of signs as provided in Schedule F and standards of § 325-66. The allowable sign areas differ to reflect the different character of each of these nonresidential or mixed-use districts.
- E. Signs on canopies and awnings meeting the standards of § 325-66H are permitted in all zoning districts except the OS, R-SF and R-MF Districts. Such signs shall count towards total sign area

15. Editor's Note: Schedule F, Sign Standards in Development Zones, is included as an attachment to this chapter.

allowance.

§ 325-69. Common signage plans.

- A. Common signage plans may be established by the following:
 - (1) Owners of two or more contiguous lots.
 - (2) Owner of a single lot with more than one principal building.
 - (3) Owner of a single lot with one building and multiple storefronts, including but not limited to shopping centers.
- B. Common signage plans must be approved by the Planning Board.
- C. A common signage plan conforming to the provisions of this section shall be allowed a 25% increase in the maximum total sign area for each included lot, based on the Planning Board's review of the following:
 - (1) An accurate plot plan of the lot to scale.
 - (2) Location of buildings, parking lots and driveways.
 - (3) Computation of the maximum total sign area for the individual signs, the height of signs and the number of freestanding signs.
 - (4) An accurate indication of each present and proposed sign.
 - (5) Specifications for all signs on the lots regarding color scheme, lettering or graphic style, lighting, materials and sign proportions.

§ 325-70. Nonconforming signs.

- A. A nonconforming sign may continue in existence and may be rebuilt so long as the size is not increased beyond the existing size or square feet of sign area, whichever is less.
- B. A nonconforming sign shall not be enlarged or replaced by another nonconforming sign.
- C. If a nonconforming sign is taken down at any point other than for maintenance, it shall be replaced with a conforming sign.
- D. The following nonconforming signs shall be required to be removed effective immediately upon enactment of this chapter:
 - (1) Vehicular signs as defined in § 325-64H.

§ 325-71. Unsafe signs.

- A. Any sign found to be unsafe or derelict upon inspection by the Code Enforcement Officer shall be repaired or made secure by the permit applicant of record. The Code Enforcement Officer shall give notice by certified mail, return receipt requested, to such person to repair or remove such unsafe or derelict sign within five days of receipt of said notice. If the sign is not repaired, made secure or removed within said time period, or within such additional time as the Code Enforcement Officer may allow, the permit issued for said sign shall be revoked and the sign shall be ordered removed by

the Code Enforcement Officer.

- B. If a sign is found to be a source of imminent peril to persons or property, the Code Enforcement Officer shall cause said sign to be immediately removed without notice to the permit applicant of record or property owner and all subsequent costs of removal by the Village will be assessed against the property owner's tax bill.

§ 325-72. Signs not in use or abandoned.

- A. Any wall, surface or other area from which a sign is removed shall be restored so that no remnant of the sign is visible.
- B. Any sign located on property that becomes vacant and unoccupied for a period of 90 days or more, or any sign that pertains to a time, event or purpose that no longer applies, shall be deemed to have been abandoned. The sign shall be removed after written notice by the Code Enforcement Officer to the owner of the property on which the sign is affixed. In the event such sign is not voluntarily removed, subsequent costs of removal by the Village will be assessed against the property owner's tax bill.

ARTICLE X
Establishment of Planned Development Districts

§ 325-73. Purpose and intent.

- A. Planned Development Districts (PDD) shall have unique characteristics and circumstances of geography, topography, surrounding development, special goals and objectives of the community, and special factors pertaining to public health and safety, permanence of buildings, aesthetics, and intrinsic as well as extrinsic values of property.
- B. The PDD regulations and procedures may apply to parcels of relatively small size as well as large-scale development, depending upon the nature of the proposed uses and improvements and their relationship with other surrounding uses and the overall characteristics of the area's location.
- C. PDDs are intended to encourage innovations in sustainable land development and renewal techniques so the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces, preservation of other natural resources and provision of other amenities generally enhancing Village life.
- D. Applications should encourage an efficient use of land and of public or private services and utilities that result in benefits to the community at large.

§ 325-74. General requirements for all planned development districts.

- A. Proposal landownership and applicants.
 - (1) A PDD may be proposed by a private person or entity, the Planning Board, Village staff, the Village Board or by any other public body, public benefit corporation, development agency or government, whether or not actual development of the proposal is to be carried out by the proponent or under sponsorship of the proponent.
 - (2) Any person, corporation, partnership or association having an ownership interest in a proposed district, or any group of owners united in interest, acting jointly and pursuant to any agreement to carry out the proposal in separate ownership, may propose a PDD in accordance with the procedures hereinafter established.
 - (3) A parcel, parcels, district or site proposed for planned development need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners indicate their express intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the community.
- B. Minimum area. Tracts of land under consideration for a Planned Development District shall be a minimum of three contiguous acres.
- C. Land uses.
 - (1) Except as required in Subsection C(2) below, any land use permitted in the Village on Schedule A: Permitted Uses¹⁶ may be proposed to be permitted in a PDD; however, permitting a single

16. Editor's Note: Schedule A is included as an attachment to this chapter.

type of use is not the intention of the PDD. The compatibility of uses within the PDD and with adjacent properties shall be addressed by the applicant and carefully reviewed by the Planning Board.

- (2) Any land proposed to be part of a PDD located in the Main Street (MS), Waterfront Overlay (WO) or Historic District Overlay (HDO) Zoning District shall be required to meet the land use restrictions of these districts and overlays as provided in Article IV and Article VI of this chapter.
- D. Lot development and density. To more effectively utilize land in a planned development, improved environmental quality can often be produced with greater density than is usually permitted in traditional zoning districts. The Village Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects with regard to setbacks, imperviousness and building height, except as provided in Subsection E(2) below. The determination of land use intensity ratings or dwelling unit density shall be thoroughly documented, including all facts, opinions and judgments justifying the selection of the densities.
- E. Open space requirements.
- (1) Open space totaling not less than 20% of the total PDD shall be provided in perpetuity unless the requirement of Subsection F below is met.
 - (2) Parking areas, roads, house sites, other impervious surfaces and their improvements shall not be included in the calculation to determine the amount of available open space. However, the entire tract, apart from these exceptions, shall be considered in determining the required amount of open space. The following facilities or improvements may be located on open space land: stormwater systems, bike paths, walking trails and other common community facilities that do not involve buildings or imperviousness, such as playgrounds.
 - (3) The location, size and character of the open space must be suitable for the PDD and must either maintain existing natural areas or be an amenity for recreational purposes.
 - (4) The proposed development design shall strictly minimize disturbance of environmentally sensitive areas. The Planning Board shall encourage areas of open space to be connected, where appropriate. Where important open space areas exist contiguous to the subject parcel, every effort shall be made to locate the on-site protected open space adjacent to these open space areas.
 - (5) A recreational fee in lieu of land, as set forth in the Village Fee Schedule, may be imposed to accommodate the foreseeable recreational needs of the residents of the proposed development, should the Planning Board determine that the open space lands set aside will not provide adequately for these recreational needs.
 - (6) The preferred way of protecting open space is for the applicant to provide deed covenants and restrictions acceptable to the Village Attorney. Conservation easements will also be considered in a case where they are transferred to a conservation organization or to a homeowners' association acceptable to the Village. However, regardless of how open space is permanently preserved, it is required that the Village be granted third-party enforcement rights to enforce the terms of all restrictions, easements or other legally binding instruments providing for open space. Such provisions shall include that the Village shall be entitled to reimbursement for all costs, expenses and attorney's fees incurred in connection with such enforcement, to be collected from the party against whom enforcement is sought.

- (7) Unless otherwise agreed to by the Planning Board, the cost and responsibility of maintaining common open space and facilities shall be borne by the homeowners' association, conservation organization, or private owner(s). The Planning Board shall have the authority to require a bond or other security measure to ensure proper maintenance of open space and the facilities located on the subject parcel.
- F. Public access easement for trails. The Village Board, upon recommendation from the Planning Board, may waive the open space requirement or a portion of the open space requirement of Subsection E above if the proposed PDD includes a public access easement for the creation of community trails or multi-use paths that would connect to other town or Village pedestrian or multi-use path amenities and systems.

§ 325-75. Proposal procedure.

PDD proposals may be made at the earliest planning stage practical to allow time for a complete evaluation and consideration of alternative plans or methods, to assess the full impact and consequences of the proposal, to formulate modifications or conditions as may be needed. The Planning Board or the Village Board may from time to time promulgate such guidelines, rules and regulations as may be deemed necessary for the orderly presentation and processing of such proposal in addition to those contained in this article, which guidelines may also establish permanent or temporary priorities on the type, location or scale of development proposals.

- A. All proposals for PDDs shall be submitted directly to the Planning Board through the Code Enforcement Officer in consultation with the Office of Economic Development.
- B. The proposal shall include, at a minimum, a sketch plan drawn to scale, though it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information:
 - (1) Delineation of the various residential areas, indicating for each area:
 - (a) General extent, size and composition of all dwelling units.
 - (b) Approximate percentage allocation by dwelling unit type, i.e., single-family, two-family, townhouse, multifamily.
 - (c) Description of the intended market structure, i.e., luxury, middle-income, affordable, elderly units, family units, etc.
 - (2) All development height and bulk standards; and calculation of percent of permeable area.
 - (3) The location of any nonresidential uses and the approximate square footage of all nonresidential uses.
 - (4) The general outlines of the interior roadways' and sidewalk systems' intended road ownership, and all existing rights-of-way and easements, whether public or private.
 - (5) Delineation of open space, trails or recreational areas.
 - (6) The overall drainage system.
 - (7) A topographic map. If grades exceed 5% or portions of the site have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, the topographic map must show contour intervals of not more than two feet of elevation, along with an overlay outlining the above susceptible soil areas, if any. If grades are less than 5%, the

topographic map may be at ten-foot contour intervals.

- (8) Sufficiency of water supply and sewage disposal.
 - (9) General description of the provisions of community facilities, such as schools, fire protection services, transportation and cultural facilities and some indication of how these needs are proposed to be accommodated.
 - (10) A location map showing existing uses and names of owners of abutting lands.
 - (11) A full environmental assessment form.
 - (12) Evidence of how the developer's proposed mix of land uses meets existing community demands.
 - (13) A general statement as to how common open space is to be owned and maintained.
 - (14) If the development is to be phased, a general indication of how the phasing is to proceed.
 - (15) Evidence of the applicant's financial competence to carry out the plan.
- C. The Village staff, or their professional planning consultants, shall prepare a professional opinion regarding the verification of data shown in the proposal, the proposal's relationship with the existing zoning and with the Comprehensive Plan, the possible effects of the proposal upon the surrounding properties, the general harmony with the essential character of the area, the aesthetic and design qualities of the proposal and such other factors or considerations as may be appropriate in considering the merits of the proposal.
- D. After hearing from the proponent(s), the Planning Board shall consider the proposal and make findings based on the following criteria:
- (1) The proposal substantially conforms with the Canton Comprehensive Plan and other adopted Village plans, with regional comprehensive plans and with other manifest expressions of municipal development policy.
 - (2) There is a need and/or community benefit for the proposed development in the proposed location and there is a reasonable probability of economic success of the proposal.
 - (3) The existing character of the neighborhood will not be adversely affected and adequate safeguards are provided to minimize possible detrimental effects of the proposed use on adjacent properties and on the neighborhood in general.
 - (4) There is ample provision for water supply, sewer, storm- and surface water drainage and other utilities.
 - (5) There is adequate access to schools, police and fire protection, parks and recreational facilities and other community facilities and public services.
 - (6) There are no social, economic or cultural consequences likely to follow the proposed development that are inconsistent with desirable community standards or public policy.
 - (7) The location, height and bulk of buildings and structures on the site are in proportion to each other and relate well to other structures and visual perspectives in the vicinity.
 - (8) Careful attention has been given to the patterns of pedestrian and bicycle circulation and to the effective use and design of open spaces, landscaping, exterior facades and amenities.

- (9) Vehicular access is adequate to and within the site, parking and loading spaces are adequate and well located relative to the uses and structures to be served and there are no conflicts between vehicular traffic and the other uses and activities proposed.
 - (10) The proposed installation of driveways, lighting, signs, landscaping, fencing, screening and other site details are generally in harmony with the proposed structures, with adjacent properties, with the rights and interests of the general public and with the design qualities and objectives suggested by this chapter and the Planning Board.
- E. Upon submission of all final plans and specifications for the development, the matter shall be placed on the agenda of the Planning Board at its next regular meeting.
 - F. In considering the final plans and specifications for a development in a PDD, the requirements for lot area, lot width, building coverage, building heights and other bulk, density or parcel specifications of this chapter, or the other physical requirements of this chapter shall be observed as general guidelines, and may be more or less restrictive in accordance with the recommendations of Village staff, or the planning consultant, or in accordance with criteria or guidelines promulgated or adopted from time to time by the Planning Board.
 - G. The Planning Board may adopt a resolution recommending to the Village Board that the parcel be rezoned to the designated PDD and shall transmit such resolution and the other supporting materials related to the proposal to the Village Board. The resolution may contain conditions, restrictions or limitations that the Planning Board deems requisite to its recommendation.
 - H. If the Planning Board declines to recommend rezoning, or in the event that the Planning Board does not act upon the proposal within a period of 90 days after the date the complete application has been submitted as determined by both the Village staff and the Planning Board, the proponent may submit the proposal directly to the Village Board with a request that said Village Board consider the proposal upon its own motion. The proponent shall, in such instance, make full disclosure to the Village Board of the reasons for Planning Board failure or refusal to approve. Before taking final action upon such proposals, the Village Board shall hear and consider any statements or opinions of the Planning Board as to the merits of the proposal or reasons for its failure or refusal to approve.

§ 325-76. Procedures before Village Board.

- A. Upon receipt of a resolution of the Planning Board recommending a zone change for the PDD, the Village Board shall proceed in accordance with the amendment provisions of Article XVI.
- B. Referral to the Planning Board of the proposed amendment shall be deemed waived unless a substantial change in the proposal shall occur after the date of the Planning Board recommendation.

§ 325-77. Expiration of approval.

If development authorized by the Planning Board in a PDD has not commenced and been diligently executed within 24 months from the date when the final plans and specifications were approved by the Village Board, the Village Board may upon its own motion institute an amendment to rezone such PDD back to the previous zoning district in accordance with the amendment provisions of Article XVI.

§ 325-78. Changes and amendments.

- A. Any changes to an approved PDD that are determined to be exempt from site plan review pursuant to § 325-89 may be approved by the Code Enforcement Office and do not require further approval by

the Village Board.

- B. Any changes or minor amendments to an approved PDD may be reviewed and acted upon by the Planning Board through the site plan review process.
- C. Changes or amendments to an approved PDD that are determined by the Code Enforcement Office to be beyond the scope of the Planning Board's authority shall still be reviewed by the Planning Board, but such changes shall not become effective until approved by the Village Board in accordance with the amendment provisions of this chapter.

§ 325-79. through § 325-80. (Reserved)

ARTICLE XI
Nonconforming Lots, Structures and Uses

§ 325-81. Purpose.

It is the purpose of this article to provide for the regulation of legally nonconforming uses, lots of record and structures, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue.

§ 325-82. Nonconforming lots of record.

- A. Lots of record at the time of adoption of this chapter that are less than the minimum lot size and lot frontage required shall be deemed to meet the minimum size regulations of this chapter. Nothing contained herein shall prohibit the use of an undersized lot of record, provided all other area and bulk regulations for the zoning district in which the lot is located shall be met, and that there is no further subdivision of the lot.
- B. Lawfully existing structures located on nonconforming lots may be moved, expanded, enlarged or replaced without a variance, as long as such change complies with all of the regulations of the zoning district in which it is located.

§ 325-83. Nonconforming structures.

- A. Structures existing at the time of the enactment of this chapter may continued to be utilized.
- B. Any building or structure for which a valid building permit was lawfully issued prior to the adoption of this chapter may be completed and used in accordance with the plans and specifications for such building or structure.
- C. Re-establishment of nonconforming structures. A nonconforming structure damaged or destroyed by fire, flood, wind or other natural disaster may be rebuilt in the same footprint, although it may be nonconforming, provided that the requirements for building height and other architectural development standards of § 325-51 and § 325-52 of this chapter are met. If such plans for rebuilding require site plan approval pursuant to § 325-89, such approval shall be granted prior to issuance of a building permit. The restoration or rebuilding shall be commenced with a building permit within 12 calendar months of such damage or destruction and be completed within 24 calendar months.

§ 325-84. Nonconforming uses.

- A. Any nonconforming use that existed lawfully at the time of adoption of this chapter may be continued, subject to the following provisions:
 - (1) The lawful use of any land or building existing at the time of the adoption of this chapter may be continued, although such use does not conform with the provisions of this chapter.
 - (2) Any such building may be reconstructed or structurally altered, and the nonconforming use therein changed, subject to the following regulations:
 - (a) Expansion. A nonconforming use shall not be expanded unless granted a use variance from the Zoning Board of Appeals.
 - (b) Change of use. A nonconforming use shall not be changed to any other nonconforming use.

- (c) Replacement. If a nonconforming use is replaced by another use, such use shall conform to the regulations of the zoning district in which it is located.
- B. Destruction and restoration. If any structure in which a nonconforming use is conducted is hereafter damaged, removed or destroyed by fire, wind, explosion or other natural cause, to the extent of 75% or less of its fair market value at the time of such damage, application for any reconstruction or restoration of such structure for a building permit to resume the nonconforming use shall be made within one year and the structure for the nonconforming use shall be constructed within one additional year unless the permit is renewed.
- C. Any preexisting legal use that is allowable by special use permit under this chapter, but that has not been issued a special use permit, shall be considered a permitted use. The expansion of such a use, other than a single-family or two-family residence, shall require site plan approval, unless such expansion has been permitted by a prior site plan approval.

§ 325-85. Discontinuance of nonconforming uses.

- A. Whenever a structure or land used for or occupied by a nonconforming use has been discontinued for a period of 12 months, such use shall not thereafter be continued except as provided in § 325-84B, Destruction and restoration. Such use shall not be considered in operation unless there is proof of operation for at least 60 days within a twelve-month period.
- B. A nonconforming use shall be deemed to have been discontinued if it is changed to a conforming use.

§ 325-86. Improvement of nonconforming uses and structures.

- A. A nonconforming use or structure shall be maintained and shall not constitute a danger to the health, safety or general welfare of the public.
- B. A building within which there is a nonconforming use may be improved if the proposed improvements or remodeling of the building, including the improvement of its exterior appearance and of its grounds, would result in enhancing the compatibility of such building with its surroundings. All exterior appearance and grounds improvements shall require site plan review.

ARTICLE XII
Site Plan Review

§ 325-87. Intent and purpose.

The purpose of site plan review is to provide an opportunity for a community to review a proposed site improvement and its physical and functional integration on- and off-site to ensure that it will be compatible by presenting the site's existing characteristics and describing the intended design, arrangement and uses of land to be improved and their potential impact with respect to:

- A. The health, safety and general welfare of the Village and its citizens.
- B. The increased burden on the existing infrastructure or public facilities and services.
- C. Ensuring optimal conservation, protection, preservation, development and use of the natural and built resources.
- D. Meeting the standards set forth in this chapter.
- E. Consistency with, and support of, the purposes of the Village zoning, as outlined in § 325-4 of the Village Code.

§ 325-88. Planning Board review of site plans.

- A. The Planning Board is authorized to review and approve, approve with conditions or disapprove site plans in accordance with the standards and procedures set forth in this article.
- B. The Planning Board is authorized to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Such conditions must be met in connection with the issuance of permits by the Code Enforcement Officer.
- C. No building permit shall be issued for uses or structures requiring site plan review unless said permit is conditioned upon conformity with the final site plan as approved by the Planning Board.

§ 325-89. Applicability.

- A. Site plan approval by the Planning Board shall be required for all new permitted land use activities listed on Schedule A: Permitted Uses¹⁷ except for the following uses and activities, which shall be exempt from site plan review:
 - (1) Construction of single-family and two-family dwellings. This exemption does not apply to any single- or two-family dwellings that comprise all or part of a residential condominium, townhouse or apartment housing cooperative, or conversion of existing uses to use as a residential condominium, townhouse or apartment housing cooperative, all of which shall be subject to site plan review.
 - (2) Customary accessory structures and land use activities.
 - (3) Ordinary landscaping or grading that is not intended to be used in connection with a land use reviewable under the provisions of this article.
 - (4) Ordinary repair, maintenance, interior alterations to existing structures or uses.

17. Editor's Note: Schedule A is included as an attachment to this chapter.

- (5) A surface parking increase of up to four additional spaces or the dimensional equivalent area of four additional spaces (stalls) as required in § 325-55H.
 - (6) Nonstructural agricultural uses and the construction of related structures.
 - (7) The sale of agricultural produce and temporary structures related to the sale of agricultural produce.
- B. (Reserved)
- C. Coordination with other permits and approvals.
- (1) Site plan review shall be included as an integral part of the special use permit approval process and no separate Site plan approval shall be required for uses requiring a Special Use permit.
 - (2) Area variances.
 - (a) Where a site plan application contains one or more features that do not comply with the dimensional regulations of this chapter, site plan review shall begin with the Planning Board prior to seeking the identified area variance(s).
 - (b) Prior to completing its review, the Planning Board shall refer the area variance application to the Zoning Board of Appeals along with its written opinion regarding the variance(s).
 - (c) Such area variance applications may be made to the Zoning Board of Appeals pursuant to Article XIV, Variances and Appeals, without a decision or determination by the Code Enforcement Officer.

§ 325-90. Process.

- A. Prior to undertaking any new land use activity, except for those uses specifically excepted in § 325-88 of this article, a site plan review by the Planning Board is required. Applicants for site plan review shall follow the procedures as hereinafter set forth. Applicants must comply with all other procedures and requirements of this article. If a proposed land use activity requires site plan review, approval must be obtained prior to the issuance of a building permit by the Code Enforcement Officer.
- B. An application for site plan approval shall be made in writing and shall follow the process of this section. Where a conceptual sketch plan conference is held, the application material to be submitted as described in Subsections D and E below shall be drawn from the conceptual sketch plan discussion and identified by the Planning Board at such conference.
- C. Conceptual sketch plan conference (optional).
- (1) Prior to formal submission of a detailed site plan, there may be a conceptual sketch plan conference with the Planning Board to review the basic site design concept, provide the applicant with constructive suggestions and, generally, determine the information to be required to have a complete application. The conceptual sketch plan shall be submitted to the Code Enforcement Officer and include the information described in Subsection C(1)(a) and (b) below and may include any information in Subsection E(4), Site plan elements.
 - (a) A statement and rough sketch showing the locations and dimensions of existing and proposed structures, wells, waste disposal systems, parking areas, access drives, signage and anticipated changes in the existing topography and natural features; and

- (b) A sketch or map of the area that clearly shows the location of the site and nearby properties, land uses, street rights-of-way, easements and other pertinent features.
 - (2) The Code Enforcement Officer shall provide the conceptual sketch plan submission to the Planning Board and the conceptual sketch plan conference will be placed on the next Planning Board meeting agenda if all deadlines for submission are met.
- D. Site plan application submission process.
- (1) Site plan review applications and all required attachments shall be submitted to the Code Enforcement Officer using forms supplied by the Code Enforcement Office.
 - (2) The applicant shall submit the application fee as established by the Village Board in a Fee Schedule.
 - (3) The Code Enforcement Officer shall make an initial determination of the completeness of any site plan review application. The Code Enforcement Officer shall notify the applicant within seven business days of the date of application submission if such application is incomplete or deficient in any way and shall further specify the deficiencies. Applications deemed initially complete shall be forwarded to the Planning Board.
- E. Application submission and site plan requirements.
- (1) The site plan review application submission shall include paper copies in an amount identified by the Planning Board and Code Enforcement Office and one electronic copy of a site plan map drawn to scale showing the information provided in Subsection E(4) below, unless otherwise waived pursuant to Subsection E(3).
 - (2) The Planning Board may require that any plans required as part of a site plan application be stamped by a licensed professional land surveyor, engineer, architect, landscape architect or other appropriate licensed professional as applicable.
 - (3) Waiver of requirements. The Planning Board shall have the authority to waive any or all of the above informational requirements. Said waiver may be granted upon a finding by the Planning Board that the site plan review requirement is not requisite to the interest of the public health, safety and general welfare or is otherwise unnecessary to a particular site plan. The Planning Board shall state the basis for said waiver as part of the public record.
 - (4) Site plan elements.
 - (a) Title of drawing, including name, site address, Tax Map number, owner name and address, and person responsible for preparation of such drawing.
 - (b) North arrow, scale (including bar scale) and date.
 - (c) Boundaries of the property plotted to scale, including zoning district boundaries.
 - (d) Location and size of existing and proposed buildings.
 - (e) Topographic data based on the United States Geological Survey or equivalent, with contour intervals suitable to the terrain.
 - (f) Grading and drainage plan showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics and watercourses as per available Natural Resources

Conservation Service data.

- (g) Location, dimension and purpose of any existing or proposed easement.
 - (h) Locations, design, type of construction and exterior construction materials.
 - (i) Proposed use and exterior dimensions of all proposed buildings and outdoor storage and sales area.
 - (j) Street and driveway layout, including right-of-way and improved surface widths.
 - (k) Location, design and type of construction of all parking and truck loading areas, showing ingress and egress.
 - (l) Provisions for pedestrian and bicycle access to site, buildings and parking areas.
 - (m) Location, design and construction materials of all existing and proposed site improvements, including drains, culverts, stormwater retention or detention structures, retaining walls and fences.
 - (n) Location of fire and other emergency zones, including the location of fire hydrants.
 - (o) Location, design and construction materials of all utilities, energy and communications distribution facilities, including electrical, gas and solar energy or other alternative energy, telecommunications, water and sewer.
 - (p) Location and screening of refuse/garbage and recycling receptacles.
 - (q) Location for snow storage related to parking lots.
 - (r) Location, size, design and type of construction of all proposed signs.
 - (s) Location and proposed development of all landscaping and buffer areas as required in § 325-54.
 - (t) Location, light cast and area illuminated and design of outdoor lighting facilities as required in § 325-58, Outdoor lighting standards.
- (5) Other required project information.
- (a) Estimated project construction schedule.
 - (b) Record of application for and status of all necessary permits from other governmental agencies.
 - (c) Estimated number of occupants or clientele at any one time.
 - (d) Other elements integral to the proposed development as may be considered necessary in the particular case by the Planning Board, including elements required by the State Environmental Quality Review Act (SEQRA).
 - (e) Any proposed or required performance guaranty.
- (6) Potential additional requirements. In addition to the above, the Planning Board may require the applicant to submit information to aid in rendering a decision. Additional information may include, but is not limited to:

- (a) Traffic study to show the impact of the project on existing traffic patterns.
- (b) On-site testing for water quantity and/or quality.
- (c) Preparation of a visual impact assessment (VIA) for the project using as guidance the NYS Department of Environmental Conservation's Visual Policy, Assessing and Mitigating Visual Impacts, DEP-00-2, as part of compliance with the SEQRA.
- (d) Study to review the potential for air pollution when a use is identified as releasing possible pollutants.
- (e) Study to indicate the project's impact on adjacent watercourses regarding increased water runoff and/or release of effluent to a nearby stream.
- (f) Project's impact on existing public services such as ambulance services, fire service, utilities and schools.

§ 325-91. Final application review.

- A. The Planning Board shall determine whether the application is complete. Once the Planning Board has determined the application is complete, the sixty-two-day review period begins, unless it is extended by mutual consent.
- B. Review criteria. The Planning Board's review of Site plan applications shall include, but not be limited to, the following criteria:
 - (1) The proposed development's compatibility and consistency with the goals and recommendations of the Canton Comprehensive Plan, the Complete Streets Code¹⁸ and other approved Village plans and programs.
 - (2) Location, arrangement, size, design and general site compatibility of buildings as required in Article V related to lot development and building design standards of § 325-52.
 - (3) Adequacy of the project's vehicle parking demand and needs, location and arrangement of vehicle and bicycle parking and loading, pedestrian access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience as provided in Article VIII, Supplemental Regulations.
 - (4) Adequacy and arrangement of vehicular traffic access and circulation, including alley utilization, intersections, road widths, pavement surfaces, dividers and traffic controls.
 - (5) Adequacy of stormwater and drainage facilities and utilization of low-impact development practices and green infrastructure.
 - (6) Adequacy of water supply and sewage disposal facilities.
 - (7) Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
 - (8) Compliance with the lighting standards of § 325-58, Outdoor lighting standards.
 - (9) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum

18. Editor's Note: See Ch. 129, Complete Streets.

retention of existing vegetation as required in § 325-54, Landscaping and screening standards.

- (10) Adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (11) Availability of usable open space for play areas and informal recreation.
- (12) Adequacy of protection of the Village's natural resources, including waterways and open spaces, steep slopes and scenic viewsheds.
- (13) Adequacy of protection for and compatibility with any adjacent historic resources as identified by the Village and the State and Federal Registers of Historic Places.
- (14) Protection of adjacent or neighboring properties against noise, glare, dust, unsightliness or other objectionable features.

§ 325-92. Coordination of review.

- A. Superintendent of Public Works. The Planning Board shall consult with the Superintendent of Public Works regarding any proposed development requiring a new connection to the Village water or sewer system or changes to the streetscape, stormwater drainage system or public right-of-way. The Superintendent shall have 30 days from receipt of the application to provide a recommendation to the Planning Board.
- B. Fire Chief. The Planning Board shall consult with the Village Fire Chief regarding on-site emergency vehicle access for any new development or change of access to a site.
- C. Complete Streets Task Force. The Planning Board shall consult the Complete Streets Task Force regarding any proposed development meeting the criteria for review under the Village Complete Streets Code,¹⁹ such as potential changes to the streetscape, public right-of-way or potential connections to the existing transportation networks, including pedestrian and bicycle infrastructure.
- D. Whenever the circumstances of the proposed development require referral to the County Planning Board under § 239-m of the General Municipal Law, the Planning Board shall coordinate the review procedures to provide timely and efficient processing of the application.
- E. Whenever the circumstances of the proposed development require compliance with this article and with any other local law, ordinance or requirement of the Village, the Planning Board shall attempt to integrate, as appropriate, site plan review with the procedural and submission requirements for such other compliance.
- F. The Planning Board may consult with the Code Enforcement Officer, Office of Economic Development, Village Fire Department, Public Works Department, County Planning Office and other local or county officials, in addition to representatives of federal and state agencies, including but not limited to the USDA Natural Resources Conservation Services, NYS Department of Environmental Conservation, or other professional consultants as needed. If possible, the need for professional consultation will be determined at conceptual review. Expenditures for professional consultations require the approval of the Village Board.
- G. Any comments made under this section must be in writing and made available to the applicant, property owner and Planning Board for their consideration no fewer than 10 business days prior to

19. Editor's Note: See Ch. 129, Complete Streets.

any scheduled Planning Board review of the final application. Such comments shall become part of the application file and be made available for public review upon request.

§ 325-93. Public hearing.

The Planning Board may conduct a public hearing on the site plan if it considers it desirable. Such hearing may be held within 62 days of the receipt of the complete application for site plan review and shall follow the procedures of § 325-12 of this chapter.

§ 325-94. Planning Board decision; payment of fees and costs.

- A. Within 62 days of the date of the Planning Board determination of a complete application, the Planning Board shall approve, approve with conditions or disapprove the application. An extension of the sixty-two-day period may be granted upon mutual consent of both the Planning Board and the applicant. If the Planning Board fails to act within said sixty-two-day period or a granted extension, the site plan shall be considered approved.
- B. All approvals or approvals with conditions shall include payment by the applicant of all fees and reimbursable costs due to the Village.

§ 325-95. Written decision.

The Planning Board's final action, rendered in writing, shall consist of one of the following:

- A. Approval of the site plan based upon a determination that the proposed plan is compatible with the considerations set forth in § 325-91;
- B. Approval of the site plan subject to any conditions, modifications and restrictions as required by the Planning Board resulting from findings made as per § 325-94; or
- C. Disapproval of the site plan based upon a determination that no conditions, modifications or restrictions are available and mutually agreeable that would mitigate adverse findings made pursuant to.

§ 325-96. Notice of decision.

Notice of the Planning Board's decision shall be given to the Code Enforcement Officer, who shall issue the decision in accordance with the direction of the Planning Board. A copy of the Planning Board's determination shall be attached to the final site plan and shall be filed with the Village Clerk. A copy of such determination shall be posted publicly and mailed to the property owner and/or applicant of record within five business days of the Board's decision.

§ 325-97. Performance guarantee.

- A. To ensure the completion of required improvements such as but not limited to roads, landscaping or other improvements required by the Planning Board, the applicant may be required to post a performance bond(s) or other form of security to cover the full cost of the infrastructure and improvements as estimated by the Planning Board or designated Village department in accordance with the procedures provided for in § 7-725-a, Subsection 7, and § 7-730, Subsection 9, of NYS Village Law. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

- B. The sufficiency of any performance guaranties shall be determined by the Planning Board, Village Attorney and other appropriate parties within 10 business days of the submittal.

§ 325-98. Enforcement.

- A. The Code Enforcement Officer may suspend any permit when work is found not in accordance with the final site plan approval.
- B. No certificate of occupancy shall be issued until all private improvements shown on the approved site plan are installed or a sufficient performance guaranty has been posted for required public improvements not yet completed.

§ 325-99. (Reserved)

ARTICLE XIII
Special Use Permits

§ 325-100. Purpose.

Special use permits are for uses that have characteristics that may pose land use or nuisance concerns or other issues. Accordingly, such uses require special consideration and may include additional regulations for each such use to mitigate impacts. Each use warrants consideration as an individual case in the district and on the specific lot on which it is proposed to be located. Granting of a special use permit for a use in a zoning district shall be based on its own unique facts and circumstances and shall not establish any precedent for granting of a special use permit for the use or any other special permit use on any other lot in the district or in other districts.

§ 325-101. Applicability.

- A. All uses of land listed in Schedule A as uses permitted with a special use permit shall be allowed upon issuance of a special use permit by the Planning Board.²⁰
- B. Additional regulations related to certain uses are provided in Article VII, Supplemental Use Regulations, and shall be met.

§ 325-102. Coordination with other permits and approvals.

- A. Site plan approval is required as part of special use permit uses involving new construction, or any land development activities not specifically exempted by § 325-89 in Article XII, Site Plan Review. Such site plan review shall be carried out in conjunction with these special use permit procedures.
- B. Area variances.
 - (1) Where a special use permit application contains one or more features that do not comply with the dimensional regulations of this chapter, special use permit review shall begin with the Planning Board prior to seeking the identified area variance(s).
 - (2) Prior to completing its review, the Planning Board shall refer the area variance application(s) to the Zoning Board of Appeals, along with its written opinion regarding the variance(s).
 - (3) Such area variance applications may be made to the Zoning Board of Appeals for such area variance pursuant to Article XIV, Variances and Appeals, without a decision or determination by the Code Enforcement Officer.

§ 325-103. Procedures for special use permits.

- A. A request for a special use permit shall be submitted on an application form available from the Code Enforcement Office.
- B. Each application shall be accompanied by a fee as established in the Fee Schedule by the Village Board.
- C. Applications shall be submitted to the Code Enforcement Office for transmission to the Planning Board.

20. Editor's Note: Schedule A is included as an attachment to this chapter.

§ 325-104. Special use review criteria.

The Planning Board shall consider the following general criteria when making a decision on a special use permit:

- A. The proposed building or use complies with all zoning district, overlay district and other specific requirements of this chapter, and will be consistent with the purposes of this chapter and of the zoning district in which it is located.
- B. The use will not conflict in any way with the Canton Comprehensive Plan and other adopted Village plans.
- C. The proposed building or use shall not have an adverse impact on adjacent historic resources as formally recognized by the Village Historic District and the State and Federal Registers of Historic Places.
- D. If the property is in a residential district, it will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social and economic impacts.
- E. The proposed building or use shall not substantially impact the nature and character of the surrounding neighborhood, historic district or corridor in which it is located. In determining substantial impact, the Planning Board shall consider the location and size of the proposed use, the nature and intensity of the operations involved in or conducted in connection with the proposed use, the size of the site in relation to the proposed use and the location of the site with respect to streets giving access to the proposed use.
- F. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood regarding traffic conditions, parking, noise, utility facilities and other matters affecting the public health, safety and general welfare.
- G. Operations in connection with the proposed use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operation of any permitted use not requiring a special use permit.
- H. The proposed building or use shall be served adequately by essential public facilities and services, such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.
- I. The proposed building or use shall not cause significant traffic congestion, impair pedestrian safety or overload existing roads, considering their current width, surfacing and condition, and any improvements proposed to be made to them by the applicant.

§ 325-105. Notice and hearing.

- A. Upon determining that the application is complete, the Planning Board shall set a public hearing within 62 days, following the procedures of § 325-12 of this chapter.
- B. If the public hearing is to be concurrent with a public hearing for site plan review, only one advertisement notice is needed.

§ 325-106. Referrals.

Special use permits shall be referred to the appropriate St. Lawrence County planning agency in accordance with the criteria and procedures of §§ 239-l, 239-m, 239-n and 239-nn of NYS General Municipal Law.

§ 325-107. Decision and notification.

- A. The Planning Board shall not issue a special use permit unless it makes a written finding that the proposed use will satisfy the criteria set forth above. To reach positive findings in support of the special use permit, the Planning Board may require conditions of, and/or modifications to, the project. Such conditions must relate to the impact of the project. If the Planning Board does not make a positive finding in support of the special use permit, it shall deny the special use permit. In issuance of such a denial, the record of the Planning Board must address the criteria outlined above and include the facts and reasons upon which such denial was based.
- B. Within 62 days from the date of any public hearing, the Planning Board shall render a decision in writing. For purposes of this section, a decision shall be signed by the Chairperson. Not later than five days following the rendering of the decision of the Planning Board granting or denying the application, the applicant and parties of record shall be notified of the decision in writing. Such written notification shall include the findings of fact for denial or approval, whichever is applicable.
- C. The Board shall file the decision in the Village Clerk's office within five business days after the day it is rendered. The Planning Board will also retain in its files a copy of each decision. The files shall be available for inspection by the public.

§ 325-108. Special use permit restrictions, expiration, revocation and enforcement.

- A. A special use permit shall be limited to the specific property for which the application was made.
- B. A special use permit shall be deemed to authorize only the particular special use or uses specified therein.
- C. A conditional special use permit approval shall expire at the end of six months if the conditions have not been satisfied. The Planning Board may, however, consent to an extension of the time frame at its discretion.
- D. A special use permit may be issued as:
 - (1) Permanent.
 - (2) Temporary, to cease on a specified date and not to be renewable.
 - (3) Renewable within a specified period of time set by the Planning Board.
- E. A special use permit may be revoked by the Code Enforcement Officer if the conditions of the special use permit are violated. Prior to a decision to revoke a special use permit, notification shall be provided to the permit holder and a public hearing shall be held using the decision and modification process described above.
- F. Any violation of the conditions of a special use permit or a violation of any applicable performance criteria of this chapter shall be deemed a violation of this chapter and shall be subject to enforcement action as provided herein.
- G. All special use permits shall run with the land and will be transferred to successive property owners,

provided the permit has not expired or been revoked.

ARTICLE XIV
Variances and Appeals

§ 325-109. Variances.

The Zoning Board of Appeals (ZBA), on appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant variances, as follows:

A. Use variances.

- (1) A use variance is an authorization by the ZBA that allows a specified use in a zoning district where such specified use is not allowed. No such use variance shall be granted by a ZBA without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. To prove such unnecessary hardship, the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (b) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (c) The requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (d) The alleged hardship has not been self-created.
- (2) In granting use variances, the ZBA shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

B. Area variances.

- (1) An area variance is an authorization by the ZBA that allows a departure from the requirements of this chapter. Area variances include any departure not covered by a use variance; for example, lot size, yard sizes and number of parking spaces. In making its determination on an area variance application, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the ZBA shall also consider whether:
 - (a) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (b) The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - (c) The requested area variance is substantial;
 - (d) The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

- (e) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA but shall not necessarily preclude the granting of the area variance.
 - (2) The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- D. Appeals. Any person aggrieved, or any officer, department, board or bureau of the Village, may appeal to the ZBA any order, requirement, decision, interpretation or determination of officials charged with the enforcement of this chapter. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, interpretation or determination being appealed and shall make such order, requirement, decision, interpretation or determination as, in its opinion, ought to have been made in the matter by the Code Enforcement Officer, and to that end shall assume all the powers of the administrative official from whose order, requirement, decision or determination the appeal is taken.

§ 325-110. Application to Zoning Board of Appeals.

All applications for variances shall be made to the Code Enforcement Officer on forms provided by the Code Enforcement Office and shall be accompanied by required attachments and payment of a filing fee as established in the Fee Schedule by the Village Board.

§ 325-111. Public hearings, notices and referrals.

- A. The ZBA shall hold a public hearing on all variance or appeal applications upon receipt of a complete application for a variance or an appeal.
- B. Notice of the public hearing shall meet the requirements of § 325-12 of this chapter.

§ 325-112. Zoning Board of Appeals decisions and notification.

- A. The ZBA shall decide upon the application or appeal within 62 days of conducting a public hearing unless extended by mutual consent of the applicant and the ZBA.
- B. All decisions of the ZBA shall be in writing and shall contain the basis for the decision and a detailed summary of the facts upon which the determination was rendered. In the case of variances, the decision shall state whether or not the standards set forth in § 325-109, Subsections A and B, of this article and § 7-712 of the NYS Village Law for unnecessary hardship (use variances) or practical difficulty (area variances), as the case may be, have or have not been met, and such determination shall be supported by findings of facts, thereby warranting the reversal or affirmation of the Code Enforcement Officer. The decision shall also state in detail what conditions and safeguards are required.
- C. If a use variance is granted for a use requiring site plan review, the applicant shall obtain site plan approval from the Planning Board prior to commencing the use or obtaining a building permit.

§ 325-113. Rehearing.

A motion for the ZBA to hold a rehearing to review any order, decision or determination of the Board previously reviewed may be made by any member of the ZBA. A unanimous vote of all members of the ZBA then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing, the ZBA may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided that the Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

ARTICLE XV
Administration and Enforcement

§ 325-114. Code Enforcement Officer powers and duties.

This chapter shall be enforced by a person hereinafter called the "Code Enforcement Officer," who shall be designated by the Village Board, and who shall in no case grant any permit for any building or use on premises where the proposed erection, alteration, relocation or use thereof would be in violation of any provision of this chapter. The Code Enforcement Officer shall make such inspections of buildings or premises as are necessary to carry out their duties. No permit nor certificate of occupancy required hereunder shall be issued by the Code Enforcement Officer except in compliance with the provisions of this chapter or as directed by the ZBA under the provisions of Article XIV.

A. Zoning permit.

- (1) No building shall hereafter be erected, relocated or altered as to outside dimensions or to permit a change in its use and no excavation for any building shall begin unless and until a permit therefor has been issued by the Code Enforcement Officer, or by the ZBA wherever it is provided in this chapter that the approval of the ZBA is required. The fee for any such permit shall be as determined by the Village Board.
- (2) No such permit shall be issued until there has been filed with the Code Enforcement Officer a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact size and location on the lot of the building or accessory buildings to be erected, relocated or altered, and such other information as may be necessary to determine and provide for the enforcement of this chapter. Each application shall state the purpose for which the structure or land is to be used and a general description of the type of construction.
- (3) The Code Enforcement Officer shall issue or refuse to issue such permits all within a reasonable time. Notice of refusal to issue any permit shall be given to the owner or to the owner's authorized representative in writing and shall state the reasons for said refusal.

B. Certificate of occupancy.

- (1) No land shall be used, occupied or changed in use and no building hereafter erected, altered or extended until a certificate of occupancy shall have been issued by the Code Enforcement Officer. Under such rules as may be established by the ZBA, a temporary certificate of occupancy for not more than 30 days for a part of a building may be issued by the Code Enforcement Officer. For previously existing construction, the Code Enforcement Officer may, on request, issue such a certificate if they determine that the use of the building in question meets the requirements of this chapter.
- (2) A certificate of occupancy shall be issued only if the proposed use of the building or land conforms to the provisions of this chapter and to the plot plan, purpose and description for which the permit was issued. The Code Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a certificate of occupancy has been applied before issuing such certificate.

C. Completion of buildings under construction. Nothing herein shall require any change in the plans, construction or designated use of a building under construction legally at the time of the passage of this chapter.

§ 325-115. Planning Board organization, powers and duties.

- A. Purpose. The Village of Canton Planning Board was established by a resolution of the Village Board in 1964. The Planning Board shall have all the powers and perform all the duties prescribed by state statute and this chapter.
- B. Organization of the Planning Board.
- (1) The Planning Board shall consist of five members, each of whom shall reside in the Village of Canton.
 - (2) Members of the Planning Board shall be appointed by the Mayor, subject to the approval of the Village Board.
 - (3) The Mayor shall annually appoint one of the members of the Planning Board to serve as Chairperson, and such appointment shall be subject to the approval of the Village Board.
 - (4) No person who is a member of the Village Board shall be eligible for membership on the Planning Board.
 - (5) No person shall be disqualified from serving as a member of the Planning Board by reason that said person serves as a member of the Town Planning Board or as a member of the County Planning Board.
 - (6) Membership term.
 - (a) Each member of the Planning Board currently serving shall hold their office until their present term expires. At the end of each member's term, their successor shall be appointed for a term of five years from the date of their initial appointment. If a vacancy in office shall occur otherwise than by expiration of the member's term, the Mayor shall appoint a new member for the unexpired term.
 - (b) The member who is appointed as the Chairperson of the Planning Board shall serve in such capacity for a period of one year from the date of his or her appointment as Chairperson. If a vacancy in office shall occur otherwise than by expiration of the Chairperson's term, the Mayor shall appoint a new Chairperson for the unexpired term.
 - (7) Alternates.
 - (a) There shall be one alternate member of the Planning Board. Alternate members shall be appointed by the Mayor, subject to the approval of the Village Board, for terms that shall expire at the end of each official year.
 - (b) An alternate member of the Planning Board shall substitute for a regular member in the event such regular member is unable to participate because of a conflict of interest on an application or matter before the Planning Board. It shall be the responsibility of the Chairperson of the Planning Board to designate an alternate member to substitute for a regular member of the Planning Board in the event such regular member is unable to participate because of a conflict of interest on an application or matter before the Planning Board. When so designated, the alternate member shall possess all the powers and responsibilities of a regular member of the Planning Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

C. Training.

- (1) Each member of the Planning Board shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years to meet this requirement. Such training shall be approved by the Village Board and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity.
- (2) To be eligible for reappointment to such board, such member shall have completed the training promoted by the Village Board described in Subsection C(1) above.
- (3) No decision of a Planning Board shall be voided or declared invalid because of a failure to comply with this Subsection C.

D. Meetings. All meetings of the Planning Board shall be held at the call of the Planning Board Chairperson and at such other times as the Planning Board shall determine.**E. Duties and powers.** The Planning Board shall have the following duties, powers and authority:

- (1) Review and approval of special use permits pursuant to Article XIII.
- (2) Review and approval of site plans pursuant to Article XII.
- (3) Review and approval of land subdivisions pursuant to Chapter 280 of the Village Code.
- (4) Perform such other, additional or different reviews, approvals, functions and duties as specifically provided to the Planning Board by provisions of this chapter and the Village Code.
- (5) Provide recommendations on referred matters from the Village Board, ZBA and Code Enforcement Officer as described below: The Village Board, ZBA or other boards and Village departments may seek input from the Planning Board where its input would help to make a more informed decision or where it is required pursuant to state law or the Village Code. The Village Board or ZBA may provide for the referral of any matter or class of matters to the Planning Board before final action is taken by the Village Board or other department, agency or officer of the Village having final authority. The Village Board may further stipulate that final action shall not be taken until the Planning Board has submitted its report.
- (6) Review, prepare and recommend any proposed Canton Comprehensive Plan, including amendments and revisions to any existing Comprehensive Plan.

§ 325-116. Zoning Board of Appeals organization, powers and duties.**A. Organization of the ZBA.**

- (1) The ZBA has been established in accordance with § 7-712 of the NYS Village Law.
- (2) The ZBA shall consist of five members, each of whom shall be appointed by the Mayor.
- (3) Members now holding office for terms that do not expire at the end of the official year shall, upon the expiration of their term, hold office until the end of the official year and their successors shall then be appointed for terms equal in years to the number of members of the Board.

- (4) The Mayor shall annually appoint one member of the ZBA to serve as Chairperson; such appointment shall be subject to the approval of the Village Board.
- (5) Alternates.
 - (a) There shall be one alternate member of the ZBA. Alternate members shall be appointed by the Mayor, subject to the approval of the Village Board, for terms that shall expire at the end of each official year.
 - (b) An alternate member of the ZBA shall substitute for a regular member in the event such regular member is unable to participate because of a conflict of interest on an application or matter before the ZBA. It shall be the responsibility of the Chairperson of the ZBA to designate an alternate member to substitute for a regular member of the ZBA in the event such regular member is unable to participate because of a conflict of interest on an application or matter before the ZBA. When so designated, the alternate member shall possess all the powers and responsibilities of a regular member of the ZBA. Such designation shall be entered into the minutes of the initial ZBA meeting at which the substitution is made.
- (6) The ZBA shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter, and all its resolutions and orders shall be in accordance therewith.

B. Training.

- (1) Each member of the ZBA shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years to meet this requirement. Such training shall be approved by the legislative body and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity.
- (2) To be eligible for reappointment to the ZBA, such member shall have completed the training promoted by the Village Board described in Subsection B(1) above.
- (3) No decision of the ZBA shall be voided or declared invalid because of a failure to comply with the training requirement.

C. Meetings; Chairperson duties. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine.

D. Powers and duties of the Zoning Board of Appeals. The ZBA shall have the following power and duties prescribed by statute (see § 7-712 of the NYS Village Law, as may be amended from time to time) and this chapter:

- (1) Interpretation of this chapter and the Zoning Map.
- (2) Upon appeal from a decision by the Code Enforcement Officer or on request by any aggrieved person, official, board or department of the Village, the ZBA shall decide any question involving the interpretation of any provision of this chapter.
- (3) Hear and determine appeals from any refusal of a work permit, building permit or certificate of

occupancy by the Code Enforcement Officer or review any order or decision of said individuals where such order or decision is based upon the requirements of this chapter.

- (4) Grant variances on appeal from the decision or determination of the Code Enforcement Officer.

§ 325-117. Violations, abatements and penalties for offenses.

A. Violations. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure or premises in violation of this chapter or any other applicable local law, ordinance or regulation adopted by the Village Board for administration and enforcement of this chapter.

- (1) Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order.
- (2) The compliance order shall:
 - (a) Be in writing;
 - (b) Be dated and signed by the Code Enforcement Officer;
 - (c) Specify the condition or activity that violates this chapter or any other applicable local law, ordinance or regulation adopted by the Village Board for administration and enforcement of this chapter;
 - (d) Identify the provision or provisions of this chapter or any other applicable local law, ordinance or regulation adopted by the Village Board for administration and enforcement of this chapter that is/are violated by the specified condition or activity;
 - (e) Specify the period of time the Code Enforcement Officer deems to be reasonably necessary for achieving compliance, and shall direct that compliance be achieved within the specified period of time; and
 - (f) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.
- (3) The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail.
- (4) The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any occupant of the affected property personally or by registered mail or certified mail; provided, however, that failure to serve any occupant shall not affect the efficacy of the compliance order.

B. Appearance tickets. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this chapter or any other applicable local law, ordinance or regulation adopted by the Village Board for administration and enforcement of this chapter.

C. Abatement.

- (1) Upon authorization by the Village Board, an action or proceeding may be instituted in the name of this Village in a court of competent jurisdiction to prevent, restrain, enjoin, correct or abate any violation of, or to enforce any provision of, this chapter or any other applicable local law, ordinance or regulation adopted by the Village Board for administration and enforcement of this

chapter.

- (2) All costs and expenses incurred by the Village to prevent, restrain, enjoin, correct or abate any violation of, or to enforce any provision of, this chapter or any other applicable local law, ordinance or regulation adopted by the Village Board for administration and enforcement of this chapter, to include, without limitation, the costs and expenses of any court action or proceeding undertaken in connection therewith, plus accrued interest at the rate of 9% per annum, shall be charged to the owner(s) of said premises, who shall be jointly and severally personally responsible for the payment of said costs, expenses and accrued interest. The Code Enforcement Officer shall file a sworn statement with the Village Clerk identifying the location of the property upon which the violation occurred, and showing the costs and expenses incurred by the Village. The filing of said sworn statement shall constitute a lien on the property, which shall remain in full force for the amount due for collection until full payment or satisfaction has been made. Said costs and expenses and accrued interest shall be assessed against the property and levied as part of the next Village tax bill for the property and collected in the manner fixed by law for the collection of taxes.

D. Penalties.

- (1) In addition to any other penalties prescribed by law, any person who violates any provision of this chapter or any other applicable local law, ordinance or regulation adopted by the Village Board for administration and enforcement of this chapter shall be liable to a civil penalty of not less than \$150 and not more than \$500 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Village.
- (2) In addition to the civil penalties described Subsection D(1), the following criminal penalties shall apply:
 - (a) A first or second offense under this chapter shall be treated as a violation.
 - [1] For a first conviction, such violation shall be punishable by a fine not to exceed \$250.
 - [2] For a second conviction within five years, such violation shall be punishable by a fine not less than \$250 and not to exceed \$500 and/or imprisonment not to exceed 15 days.
 - (b) A third conviction within a five-year period shall be treated as an unclassified misdemeanor and shall be punishable by a fine not less than \$500 and not to exceed \$1,000 and/or imprisonment for a period not to exceed six months.
- (3) No remedy or penalty specified in this subsection shall be the exclusive remedy or penalty available to address any violation described in this subsection, and each remedy or penalty specified in this subsection shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this subsection or in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this subsection may be pursued at any time, whether prior to, simultaneously with or after the pursuit of any other remedy or penalty.

ARTICLE XVI
Amendments

§ 325-118. Authority.

The Village Board, from time to time, on its own motion, on petition by property owners or on recommendation of the Planning Board may amend, supplement, modify or repeal in whole or in part this chapter.

§ 325-119. Procedures.

A. Petitions.

- (1) Any petition for amendments shall be submitted to the Village Clerk with an application and fee as established by the Village Board in the Fee Schedule. Any petition for a change in the Zoning Map shall include the following:
 - (a) The name of the property owner.
 - (b) A map accurately drawn to an appropriate scale showing the proposed zone district boundary changes, property lines, the calculated areas affected in acres or square feet, the street rights-of-way in the immediate vicinity and the lands and names of owners immediately adjacent to and extending within 300 feet of all boundaries of the property to be rezoned.
 - (c) A metes and bounds description of the proposed amendment.
- (2) Any petitioner shall submit evidence that they have notified by certified mail, return receipt requested, all the property owners within 300 feet of all boundaries of the affected property.

B. Referrals.

- (1) Any such proposed change in the text or Zoning Map of this chapter, except a proposal from the Planning Board, shall first be referred to the Planning Board, which shall submit a written report to the Village Board prior to a public hearing on the proposed amendment by the Village Board. The Planning Board shall favorably recommend adoption of an amendment or change in this chapter or in a district boundary only if:
 - (a) Such change does not conflict with the general purposes, goals and intent of this chapter; and
 - (b) Such change is consistent with the Canton Comprehensive Plan.
- (2) The Planning Board shall submit to the Village Board its advisory report within 30 days after receiving notice from the Village Clerk of the proposed change. The failure to make such report within 45 days shall be deemed to be a favorable recommendation.
- (3) The proposed amendment shall be referred to the St. Lawrence County Planning Board under the provisions of § 239-m of the NYS General Municipal Law.

C. SEQRA compliance. The Village Board shall comply with the provisions of the NYS Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the NYS Codes, Rules and Regulations.

D. Public hearing.

- (1) If the Village Board chooses to consider a proposed zoning amendment, it shall, by resolution at a duly called meeting, set the time and place for a public hearing on the proposed amendment. Request that the Planning Board hold a public hearing. If a proposed amendment is initiated by petition, the petitioner shall be responsible for publication of notice and for notice to adjacent municipalities, if necessary.
- (2) Public hearing notification.
 - (a) Where 12 properties or fewer properties are included in the proposed zoning amendment, at 10 days prior to the date of such public hearing, a notice of the time and place shall appear in the official newspaper. Such notice shall describe the area, boundaries, regulations or requirements that such proposed change involves.
 - (b) In addition to the public notice of a hearing, notice shall be given, in writing, either personally or by mail, to all property owners of the land included in such proposed change, and the land immediately adjacent extending 100 feet therefrom, and the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, as said property owners and addresses appear on the latest completed assessment roll of the Village.
 - (c) Where more than 12 properties are included in such change and the Board of Trustees, by resolution, determines that notice in writing to each property owner is not feasible, the notice of hearing shall be published in the official paper once a week for three successive weeks and shall be posted in public places in the Village, of which six shall be in the area affected.
 - (d) Notice to municipalities. At least 10 days prior to the date of said public hearing, written notice of such proposed change or amendment affecting property within 500 feet of the boundary of a village, town or county shall be sent to the clerk of the municipality.

§ 325-120. Adoption.

- A. The Village Board may adopt amendments to this chapter by a majority vote of its membership, except in the case of local protest as described in Subsection B below.
- B. A protest against a proposed change or amendment to this chapter, if signed by the owners of 20% or more of the area of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet from the proposed change, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, shall require the favorable vote of at least four members of the Village Board to become effective.

ARTICLE XVII

Definitions**§ 325-121. Use of words and terms.**

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings.
- B. Unless the context clearly indicates the contrary, words used in the present tense include the future, the singular number includes the plural, and the plural the singular.
- C. The word "person" includes a profit or nonprofit corporation, company, partnership or individual.
- D. Where the words "lot," "plot," "parcel," "tract of land" and "premises" are used, the use of one shall include the others.
- E. The word "structure" includes the word "building."
- F. The word "used" refers to the actual fact that a lot or land, building or structure is being occupied or maintained for a particular use. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- G. The word "shall" is mandatory and not directory.

§ 325-122. Definitions of words and terms.

For the purposes of this chapter, certain words and terms are defined as follows:

ACCESSORY BUILDING — A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY DWELLING UNIT — A secondary dwelling unit of 600 square feet or less of habitable space, established in conjunction with, and clearly subordinate to, a primary dwelling unit, that shall be located in the same structure as the primary dwelling unit.

ACCESSORY STRUCTURE — A structure or building that is used incidentally to the principal use of a building or lot. Swimming pools, garages, carports, tool sheds, carriage houses and pool houses are deemed accessory structures or buildings restricted to residential use.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use of a building on the same lot with such principal use of the building.

ADDITION — New construction added to an existing building or structure.

ADULT USE — An entertainment cabaret or nightclub, motion-picture theater, massage or retail establishment as defined below:

- A. **ADULT BOOK AND/OR VIDEO STORE** — An establishment having as a substantial or significant portion (more than 25%) of merchandise in number, value or bulk, and/or more than 10% floor area of its stock-in-trade, books, magazines, periodicals or other printed or digital matter or photographs, films, videos, digitalized compact discs, slides or other visual representations that are characterized by the exposure or emphasis of specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities, which are for sale, rent or viewing on or off the premises.

- B. **ADULT ENTERTAINMENT CABARET** — A public or private establishment that regularly presents topless and/or bottomless dancers, strippers, waiters or waitresses, lingerie models or exotic dancers, or other similar entertainment or films, motion pictures, digitalized compact discs or videos, slides or other photographic or digital material, or that utilizes employees who, as part of their employment, regularly expose patrons to specified sexual activities or specified anatomical areas.
- C. **ADULT THEATER** — A theater, concert hall, auditorium or similar establishment that, for any form of consideration, regularly features live performances characterized by the exposure of specified sexual activities or specified anatomical areas.
- D. **ADULT MOTION-PICTURE THEATER** — Any motion-picture theater where, for any form of consideration, films, motion pictures, digitalized compact discs or videocassettes, slides or other photographic or digital reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- E. **MASSAGE ESTABLISHMENT** — Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths or steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist or duly licensed massage therapist, or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.
- F. **SPECIFIED SEXUAL ACTIVITIES** — Any of the following specified activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttocks or breasts.

AGRICULTURE — The production, keeping or maintenance of plants and animals. For purposes of this chapter, agriculture is further defined and regulated by the following subcategories:

- A. **ANIMAL HUSBANDRY** — A use where animals are reared or kept to sell the animals or their products, such as meat, fur or eggs, but does not include pet day-care centers or animal shelters and kennels.
- B. **AQUACULTURE** — A use in which fish, shellfish and other marine foods, aquatic plants or aquatic animals are cultured or grown in fresh or salt waters to sell them or the products they produce.
- C. **COMMUNITY GARDEN** — A use in which land managed by a public or nonprofit organization or group of individuals is used to grow plants and harvest food or ornamental crops for donation or for use by those cultivating the land.
- D. **MARKET GARDEN** — A use in which plants, and products derived from them, are grown and sold on the same lot or off site. No other items can be sold on site. Examples may include flower and vegetable raising, orchards and vineyards.

AGRICULTURE, PERSONAL ACCESSORY — The production, keeping or maintenance of plants and animals by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.

ALLEY — A service way that affords a secondary public means of vehicular access to abutting property.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERNATIVE ENERGY GENERATING EQUIPMENT OR FACILITY, ACCESSORY — Equipment for the collection of solar, wind or geothermal energy or its conversion to electrical energy for use on the same property or nearby properties, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property.

ANIMAL SHELTER — Any structure or property that houses stray, abandoned or owner-surrendered animals, except for fish, for impoundment purposes for future disposition, including redemption, adoption, sale or disposal. This use may include facilities for the destruction and disposal of animals. Foster home sites and mobile adoption sites may be utilized in the operation of the animal shelter.

AREA, FLOOR — The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines and basements, but excluding exterior balconies, unfinished basements and attics. All horizontal dimensions of each floor area shall be measured by the exterior face of walls of each such floor, including the walls of roofed porches having more than one wall. The floor area of a building shall include the floor area of accessory buildings on the same lot, measured the same way.

ART GALLERY — A structure or building utilized for the display and sale of artwork.

ARTIST STUDIO — A workshop or workroom for the creation of fine arts and crafts such as painting, sculpturing, photography or other handmade pieces of art. The space may include a residential unit and it may also include a teaching area for small groups of 10 or fewer.

AUTO WASH (CAR WASH) — A structure or building designed for the washing, waxing or similar treatment of automobiles as its principal function.

AUTO WRECKING — The dismantling or disassembling of used motor vehicles or the storage, sale, salvaging or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts. As used in this definition, the term "vehicle" shall mean a passenger-type automobile, truck, tractor-truck, trailer, bus, motorcycle, snowmobile or other vehicle, however propelled, as well as tractors, bulldozers, machinery and similar equipment.

BAR — A place where the principal income is derived from the sale or serving of alcoholic beverages for consumption on the premises, with or without live entertainment. For purposes of this chapter, this definition also applies to the term "tavern."

BASEMENT — That space of a building that is partly below grade that has more than half of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building. For purposes of this chapter, this definition also applies to the term "cellar."

BATTERY ENERGY STORAGE SYSTEM — One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a standalone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 battery energy storage system as follows:

- A. Tier 1 battery energy storage systems have an aggregate energy capacity less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Tier 2 battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

BED-AND-BREAKFAST — An owner-occupied single dwelling unit in which at least one, but not more than four, sleeping room is provided by the owner-occupant as overnight/lodging facilities, with or without meals, for the accommodation of transient guests.

BERM — A human-made mound of earth designed for decorative, screening or buffering purposes.

BILLBOARD — See "off-premises sign."

BOARDINGHOUSE — See "group dwelling."

BOAT LAUNCH — A place, site or structure to facilitate the ingress or egress of a watercraft into or onto a body of water.

BREW PUB — An eating and drinking establishment where beer is prepared on the premises for on-site consumption. The brewing of such beer is accessory to the eating and drinking establishment. See also "microbrewery."

BUILDING — Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING AREA — The total ground floor area of a principal building and accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

BUILDING COVERAGE — That area of the lot or plot covered by a building.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

BUILDING, DETACHED — A building surrounded by open space on all sides on the same lot.

BUSINESS INCUBATOR — A facility or building, or portion thereof, that houses a variety of small entrepreneurial businesses that may or may not share space and resources in common areas. Businesses may include any commercial or industrial uses permitted in the zoning district in which they are located.

CAFE — A small restaurant, coffeehouse or delicatessen of no more than 1,000 square feet of gross floor area where beverages and/or food is served for consumption on and/or off premises.

CALIPER — The diameter of a tree trunk.

CANNABIS ACTIVITY, COMMERCIAL — The production, cultivation, manufacturing, processing, possession, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as defined in the NYS Marihuana Regulation and Taxation Law.

CANNABIS CULTIVATION — The growing, cloning, harvesting, drying, curing, grading and trimming of cannabis plants for sale to certain other categories of cannabis license- and permit-holders. For purposes of this chapter, cannabis cultivation shall be considered a "light industrial" use and shall not be considered an "agricultural use."

CANNABIS DISPENSARY — An establishment used exclusively for the retail sale of cannabis and as otherwise defined in the NYS Marihuana Regulation and Taxation Law that is registered to operate in the State of New York. For purposes of this chapter, a cannabis dispensary is a "retail sales establishment."

CANNABIS PROCESSOR — A licensee as defined and regulated by the NYS Marihuana Regulation and Taxation Law that extracts concentrated cannabis and/or compounds, blends, extracts, infuses or otherwise manufactures concentrated cannabis or cannabis products, but not the cultivation of the cannabis contained in the cannabis product. For purposes of this chapter, a cannabis processor is a "manufacturing use."

CANNABIS PRODUCT or ADULT-USE CANNABIS PRODUCT — Cannabis, concentrated cannabis

and cannabis-infused products for use by a cannabis consumer and as defined in the NYS Marihuana Regulation and Taxation Law.

CANNABIS, RETAIL SALE — The solicitation or receipt of an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent or employee, of any cannabis, cannabis product, cannabinoid hemp or hemp extract product to a cannabis consumer for any purpose other than resale.

CANOPY — A roof free of enclosing walls over an entrance to a building or structure, or over a fuel pump island. Said roof may be freestanding or attached to the building or structure.

CARPORT — A roofed structure not more than 75% enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles. See also "carport, temporary."

CARPORT, TEMPORARY — An accessory structure made of canvas, aluminum or similar materials, or any combination thereof, on movable framing for the shade and shelter of motorized vehicles.

CEMETERY — Property used for the interring of the dead. This use shall not include facilities for cremation.

CLINIC — An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists or social workers and where patients are not usually lodged overnight.

CLUB, MEMBERSHIP; LODGE — An association of persons for the promotion of some lawful nonprofit common objective, such as literature, science, politics, good fellowship or community service, which meets periodically in a building, the use of such building being restricted to members and their guests.

COFFEE HOUSE — An informal restaurant primarily offering coffee, tea and other beverages and where light refreshments and limited-menu meals may also be sold.

COLLEGE/UNIVERSITY — An educational institution authorized by New York State to award associate, bachelor's, master's or doctoral degrees and theological schools. A college/university may also include related ancillary facilities, such as cafeterias, restaurants, bars, retail sales, indoor/outdoor recreational facilities, research facilities and similar uses.

COMMUNITY CENTER — A nonprofit or publicly owned facility providing community resources such as recreational programs and meeting rooms that are open to the public and designed to accommodate and serve significant segments of the community.

COMMUNITY GARDEN — A plot of land owned or leased by a nonprofit organization, utilized for the sole purpose of planting and harvesting plants and vegetables by members of the community who contract with said organization for this purpose.

COMMUNITY RESIDENTIAL FACILITY — As defined in § 463 of the NYS Social Services Law, a facility operated or subject to licensure by the state that provides a supervised residence for emotionally, physically or socially disabled persons or for persons in need of supervision or juvenile delinquents. This definition shall also include, but is not limited to, the following uses: agency-operated boarding homes, group homes or private proprietary homes for adults operated or licensed by the NYS Department of Social Services, group homes operated by, contracted for or licensed by the NYS Division for Youth, and halfway houses operated or licensed by the NYS Division of Substance Abuse Services. The term does not include community residential facilities for the disabled as defined in § 41.34 of the NYS Mental Hygiene Law.

CONSERVATION EASEMENT — A voluntary agreement between a private landowner and a municipal agency or qualified nonprofit corporation to restrict the development, management or use of the land. That agency holds the interest and is empowered to enforce its restrictions against the current landowner and all

subsequent owners of the land.

CONVENIENCE STORE — A grocery retail store less than 1,500 square feet, limited to one floor, where no less than 75% of said square footage is allocated to the sale of foodstuffs, including fresh fruits and vegetables.

CONVENTION/CONFERENCE CENTER — A commercial facility used for conventions, conferences, seminars, product displays, recreation activities and entertainment functions, along with accessory functions, including temporary outdoor displays, food and beverage preparation and service for on-premises consumption. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

CULTURAL FACILITY — A library, museum or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

DAY-CARE CENTER — Any establishment licensed pursuant to NYS Social Services Law § 390, and shall mean any program or facility caring for children for more than three hours per day per child, where child day care is provided by a child-care provider; except those programs operating as a group family day-care home, a family day-care home and a school-age child-care program.

DAY-CARE HOME, FAMILY/GROUP FAMILY — A program, licensed pursuant to NYS Social Services Law § 390, caring for children for more than three hours per day per child, where child care is provided in a family home for up to 10 children of all ages, or up to 12 children where all of such children are over two years of age, except for those programs operating as family day-care homes which care for seven or eight children. A group family day-care provider may provide child-care services to two additional children if such additional children are of school age and receive services only before or after the period they are ordinarily in school or during school lunch periods or school holidays, or during those periods of the year when school is not in session.

DAY-CARE, ADULT — Provision of daytime care to adults whose ability to independently perform the normal activities of daily life is limited by age or physical or other impairment but who do not require the level of care provided by nursing homes or medical facilities. Said care shall be provided for a period of time of more than three hours but fewer than 12 hours on any given day.

DELICATESSEN — An establishment selling cooked or preserved foods such as meats, prepared salads, desserts, cheeses, pickles, sandwiches, soft drinks, etc., generally for consumption off the premises.

DENSITY — The lot area per dwelling unit required in the zoning district regulations.

DEVELOPMENT — Any human-made change to improved or unimproved real estate, including but not limited to construction, alteration, renovation or rehabilitation of buildings or other structures, as well as clear-cutting, mining, dredging, filling, paving, excavations or drilling operations.

DISTRIBUTION/WHOLESALE FACILITY — A structure used for the acceptance of bulk deliveries, storage of the delivered items, and redistribution of delivered items.

DOCK — A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming and other recreational uses.

DORMITORY — A building utilized as a residence exclusively for students of a college, university or school.

DRIVE-THROUGH SERVICE FACILITY (or WINDOW) — Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. Any drive-through service facility (window) is considered an accessory use. A gasoline service station is not considered a drive-through facility for purposes of this

chapter.

DRIVEWAY — A private way providing vehicular access from a public or private road to a single lot, facility or establishment.

DRIVEWAY, SHARED — A private deeded right-of-way which serves as the access to at least two lots or parcels of land.

DRY CLEANER, SERVICE ONLY — An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

DUMPSTER — An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle. For purposes of this chapter, this is also the definition of the term "roll-off."

DWELLING — A building with a foundation arranged, intended or designed to be occupied by one or more families or functional family units living independently of each other upon the premises.

DWELLING UNIT — One or more rooms designed or used for living quarters by an individual family or functional family unit, including provisions for living, cooking, sanitary and sleeping facilities, and having a separate entrance from the outside of the building or through a common hall.

DWELLING, GROUP — A building or a portion thereof with sleeping and living accommodations for four or more persons who are not a family or functional family unit, used or occupied as a club, dormitory, boardinghouse, rooming house or other transient use, but not as a tourist home, or for similar uses. This term shall not include a "fraternity house/sorority house."

DWELLING, MULTIFAMILY — A building or group of buildings occupied exclusively for residential purposes, having dwelling units to accommodate three or more families or functional family units living independently of each other, with or without communal amenities such as dining facilities and social spaces, fitness and recreation amenities or social programming. This definition shall exclude hotels, group dwellings and rooming houses.

DWELLING, SINGLE-FAMILY — A building occupied exclusively for residential purposes by an individual or family or a functional family unit. See also the manufactured home standards of § 325-34.

DWELLING, TWO-FAMILY — A building occupied exclusively for residential purposes, having dwelling units to accommodate up to two families or functional family units living independently of each other.

EASEMENT — An interest in real property generally established in a real estate document or on a recorded plat to reserve, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title. Such specified uses may include, but are not limited to, transportation facilities, utilities, access, stormwater drainage and solar exposure.

ELECTRONIC MESSAGE CENTER — Any sign that contains liquid crystal diodes (LCD), light-emitting diodes (LED), plasma, light bulbs or other digital illuminated displays that allow for fixed or changeable copy, symbols, figures or images by remote or automatic means.

ENERGY CODE — The New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

ENTERTAINMENT FACILITY, INDOOR — Any establishment that is operated, maintained or devoted to indoor entertainment operated for profit or by a nonprofit organization. Entertainment is offered by the facility and the principal activity is conducted inside. Such facilities shall include, but not be limited to, theaters, bowling alleys, movie theaters, dance halls or clubs, and video arcades. Entertainment facilities

shall not include shooting ranges, bars, pubs, adult uses, nightclubs. See also "recreation facility, indoor."

EVENT/RECEPTION FACILITY — Any place of business maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group or corporate in nature, where access by the general public is restricted, and with or without the sale, serving, or consumption of food and/or alcoholic beverages. For purposes of this chapter this definition shall also include "banquet hall."

FAMILY —

- A. A family shall include one or more individuals related by blood, marriage, legal adoption or guardianship who live together in a single dwelling unit, including domestic help.
- B. A family shall also be composed of one or more individuals living together in a single dwelling unit as a functional family unit, including domestic help. Said individuals shall have a domestic bond and function as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in residential neighborhoods.
- C. In determining whether individuals are living together as a functional family unit, the following criteria must be present:
 - (1) The group is one that in theory, size, appearance, structure and function resembles a family unit.
 - (2) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers shall not be deemed to be occupied by a functional family unit.
 - (3) The group shares expenses for food, rent, or ownership costs, utilities and other household expenses.
 - (4) The group is permanent and stable. Evidence of such permanency and stability may include the following:
 - (a) The presence of minor dependent children regularly residing in the household and being educated in the community or enrolled in area schools;
 - (b) Members of the household have the same address for purposes of voter registration, driver's licenses, motor vehicle registration, the filing of taxes, and with regard to summer or other residences;
 - (c) Members of the household are employed in the area;
 - (d) The household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units;
 - (e) There is common ownership of furniture and appliances among the members of the household; and
 - (f) The group is not transient or temporary in nature.
 - (5) Any other factor reasonably related to whether or not the group is a functional family unit.
- D. A group of individuals living together in a single dwelling unit shall be presumed not to be a functional family unit, as defined in this section, if said dwelling unit is occupied by four or more persons who are not related by blood, marriage, legal adoption or guardianship.

- E. A group of individuals living together in a single dwelling unit shall be presumed not to be a functional family unit, as defined in this section, if said dwelling unit contains four or more college students over the age of 16 years. A college student is a person who attends, at least half time, any college, university or other institution authorized to confer degrees by the State of New York.
- F. The presumptions set forth in Subsections D and E of this definition may be rebutted by sufficient evidence of the characteristics set forth in Subsection C of this definition.

FEATHER FLAG — A sign that is a vertically oriented banner attached to a single pole allowing the fabric to hang loose at one, two or three of the four corners.

FINANCIAL INSTITUTION — A building or structure utilized for direct transactional services to the public, including the maintenance of checking and savings accounts, certificates of deposits, etc., and the providing of related incidental financial services associated with a bank.

FITNESS CENTER, HEALTH CLUB or SPA — A building or portion of a building designed and equipped for the conduct of sports, exercise, leisuretime activities or other customary and usual recreational activities, operated for profit or nonprofit, which can be open only to bona fide members and guests of the organization or open to the public for a fee.

FOOD TRUCK; MOBILE RETAIL VENDOR — A readily movable, motorized wheeled vehicle, or a towed wheeled vehicle, designed and equipped as a retail establishment, typically a food truck or food trailer, but which may be any kind of retail vendor.

FOOTCANDLE — A unit of illumination produced on a surface, all points of which are one foot from a uniform point source equivalent to one candle in brightness of illumination. Footcandle measurements shall be made with a photometric light meter and with a specified horizontal orientation.

FRATERNITY HOUSE/SORORITY HOUSE — A building or a portion thereof used and occupied by a cooperating group of college or university students and containing and providing domestic and social facilities and services thereto.

FUEL PUMP — A dispenser used to pump gasoline, diesel, ethanol fuel, biofuels or other types of fuel into vehicles or appropriate containers.

FUEL PUMP ISLAND — A structure consisting of fuel dispensers, refuse containers, automated payment points, safety bollards and other related appurtenances.

FULL CUTOFF OR FULL SHIELDED TYPE FIXTURE — An outdoor lighting fixture that is shielded or constructed so all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

FUNERAL HOME — A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation. Such facilities shall not include crematoriums.

GARAGE SALE — A sale that is conducted, or that is permitted or allowed to be conducted, by the owner or occupant of a dwelling designed for human habitation and located in a residential area where any goods or merchandise are displayed outdoors and the public is invited by signs, advertising or in any other manner to come for the purpose of purchasing goods, wares or merchandise. For purposes of this chapter, this definition shall also mean and include "lawn sale," "attic sale," "yard sale," "rummage sale" or any similar casual sale of tangible personal property that is advertised by any means whereby the public at large is or can be made aware of such sale.

GARAGE, PRIVATE — A roofed space for the storage of one or more motor vehicles, provided that no

business, occupation or service is conducted for profit therein, nor is space therein for more than one car leased to a nonresident of the premises.

GARDEN CENTER — An establishment that includes indoor and/or outdoor retail sales of plants not grown on the site, lawn furniture and garden supplies.

GASOLINE SERVICE STATION — Any building, structure or area of land used for the retail sale of automobile fuels, oils and accessories, where repair service, if any, is incidental. A gas station may include the sale of propane or kerosene as accessory uses.

GOVERNMENT FACILITIES, GENERAL — Basic government services, which also may be provided by a private enterprise, essential to the support of the community, including municipal offices and buildings, emergency services such as ambulance and fire protection, water supply and sewage treatment facilities. This definition does not include community centers, public utilities, or public transportation shelters. See also "municipal facilities, essential."

GRADE — The finished ground level adjoining the building at all exterior walls.

GREENHOUSE — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GREENWAY — A linear open space established along either a natural corridor, such as a riverfront, stream valley or ridge line, abandoned railroad tracks, converted to recreational use, a canal, a scenic road or other route, any natural or landscaped course for pedestrian and/or bicycle passage.

GROSS FLOOR AREA — The aggregate floor area of an entire building or structure enclosed by and including the surrounding exterior walls.

HOME OCCUPATION — An occupation, profession or activity carried out for financial gain that is clearly a customary, incidental and secondary use of a residential dwelling unit and that does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPITAL/MEDICAL CENTER — A duly licensed institution providing medical or surgical care and treatment for the sick and injured. A hospital or medical center includes related ancillary facilities, such as laboratories, outpatient clinics, cafeterias, gifts shops, training facilities, classrooms, and offices integral to the function of the facility.

HOTEL — A facility offering transient lodging accommodations at a daily rate to the general public. It may provide additional services such as restaurants, meeting rooms and recreational facilities. For purposes of this chapter, this definition shall also apply to the term "inn" or "hostel."

IMPERVIOUS SURFACE — Any hard-surfaced, human-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas (paved or gravel), sidewalks, patios and paved recreation areas.

IMPERVIOUS SURFACE COVERAGE — The percentage of the area of a lot that is covered by impervious surface.

INDUSTRY, ARTISAN/CRAFT — The craft industry encompasses goods that are generally handmade by artisans or those skilled in a particular trade, although machinery may be used. Small businesses engaged in the craft trade industry may include but are not limited to art galleries, handmade textiles, woodworking and culinary products.

INDUSTRY, HEAVY — The processing, manufacturing or compounding of materials, products or energy or any industrial activities that, because of their scale or method of operation, regularly produce noise, heat, glare, dust, smoke, fumes, odors, vibration or other external impacts detectable beyond the lot lines of the

property.

INDUSTRY, LIGHT — The processing or manufacturing of finished products or parts from previously prepared products or parts, including the fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, provided that all process are contained entirely within a fully enclosed building and any heat, glare, dust, smoke, fumes, odors or vibration are confined to the building. Light industry may include uses such as the manufacture of electronic instruments, preparation of food products and alcoholic beverages, pharmaceutical manufacturing, research and scientific laboratories.

KENNEL — Any establishment where four or more dogs, cats and/or other animals (not including livestock) are cared for or sheltered for the purpose of sale, breeding, training or exhibition, or are boarded for a fee, or are sheltered for humanitarian reasons. The term "kennel" does not include veterinarian offices or pet stores.

LAND USE ACTIVITY — Any construction or other activity that changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: new structures; expansions to existing structures; new uses; changes in or expansion of existing uses, roads, driveways; and excavations for the purpose of extracting soil or mineral deposits.

LAUNDROMAT; LAUNDERETTE — A business premises equipped with individual washers/dryers for a service to, or self-serve use by, retail customers, including drop-off and off-premises cleaning.

LIBRARY — A building or room in which literary, musical, artistic or reference materials are kept for use; may be borrowed; but are generally not for sale.

LIGHT FIXTURE — The assembly that holds a lamp and may include an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

LIVE-WORK UNIT — A unit or space within a building used jointly for nonresidential and residential purposes where the residential use of the space may be secondary or accessory to the primary use as a place of work.

LIVING AREA — The area of a dwelling unit as measured from exterior faces of exterior walls, exclusive of garages, cellars and unenclosed porches.

LOT — A tract, plot or parcel of land considered as a unit, occupied or capable of being occupied by a building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest, and including such open spaces as are required by this chapter, and having its principal frontage on a public street or an officially approved place.

LOT AREA — The total area included within lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT DEPTH — The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT LINE, FRONT — The lot line separating the lot from the street right-of-way.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."

LOT LINES — The property lines bounding the lot.

LOT OF RECORD — Any lot that has been established as such by plat, survey record or deed prior to the date of this chapter as shown on the records in the office of the County Clerk.

LOT WIDTH — The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line at the minimum required building front setback line.

LOT, CORNER — A lot located at the intersection of and fronting on two or more intersecting streets and having an interior angle at the corner of intersection of less than 135°.

LOT, INTERIOR — A lot other than a corner lot.

LOT, THROUGH — A lot having frontage on two approximately parallel or converging streets, other than a corner lot.

LUMEN — Measure of overall light output produced by a lamp.

MACHINE SERVICE SHOP — A workshop where power-driven tools are used for making, finishing or repairing machines or machine parts.

MAKERSPACE — A collaborative workspace where individuals or entities may utilize common space, technology, equipment and other infrastructure.

MANUFACTURED HOME — A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the U.S. Department of Housing and Urban Development (HUD), Manufactured Home Construction Safety Standards, 24 CFR Part 3280, 4/1/93, transportable in one or more sections, constructed on a permanent chassis and designed to be used with or without a permanent foundation where connected to the required utilities, and includes plumbing, heating, air-conditioning and electrical systems contained therein. This definition shall not include any self-propelled recreational vehicle.

MANUFACTURED HOME SITE — A plot of land within a manufactured home park that is designated for, and designated as, the location for only one manufactured home and customary accessory uses.

MANUFACTURING — The making or fabrication of raw material by hand, art, machinery, or combination thereof, into finished parts or products.

MEAN HIGH WATER MARK — The average annual high-water level of a lake, pond, reservoir, river, stream, creek or other body of water.

MEDICAL OFFICE/CLINIC — A structure or portion of a structure used by physicians, surgeons, dentists, chiropractors, optometrists, psychologists, psychiatrists or other health-related professionals for the treatment of human health conditions where no overnight accommodations are provided.

MICROBREWERY — A facility that produces fewer than 15,000 barrels of beer annually, with 75% or more of its beer served off site. See also "brew pub."

MICRODISTILLERY — A facility that produces fewer than 75,000 gallons of distilled spirits per year.

MODULAR BUILDING — A commercial or residential structure constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, and whereby all portions may not be reasonably inspected at the installation site without disassembly or destruction thereof. The term includes buildings intended or designed for permanent installation, or assembly and permanent installation, on a building site.

MOTEL — A building or group of detached or connected buildings designed or used for providing transient sleeping accommodations, where each accommodation unit maintains a separate outside entrance.

MOTOR VEHICLE REPAIR (GARAGE), MAJOR — A service establishment providing all general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, such as collision service, body

repair, frame straightening, welding and painting, and may also include any activities provided by minor automotive repair garages as defined in this article.

MOTOR VEHICLE REPAIR (GARAGE), MINOR — A service establishment providing minor repairs, detailing, stereo and electronic equipment installation, incidental replacement of parts and motor service.

MOTORIZED VEHICLE SALES, LEASE AND/OR RENTAL — The use of a building, land area, or other premises or portion thereof, for the display, sale, rental or lease of motorized vehicles, including but not limited to automobiles, boats, motorcycles, recreational vehicles (RVs), including any warranty repair work and other repair service conducted as an accessory use.

MUNICIPAL FACILITIES, ESSENTIAL — The essential services furnished by the town and Village, including municipal offices and buildings, emergency services such as police, ambulance and fire protection. See also "government facilities, general." This definition does not include community centers or public utilities.

NATURAL AREA — An area of land and/or water that has a predominantly undeveloped character. Natural areas may be pristine or may have been affected by human activity such as vegetation removal, agriculture, grading or drainage if such areas retain significant natural characteristics, or have recovered to the extent that they contribute to natural systems, including hydrology, vegetation or wildlife habitat. The purpose of natural areas is to protect natural processes and vegetation and/or provide a scenic, aesthetic appearance and/or passive recreational uses that may include amenities such as trails, seating and interpretive areas and signage.

NIGHTCLUB — An establishment primarily engaged in the sale and service of alcoholic and nonalcoholic beverages for on-premises consumption and the providing of musical entertainment, singing, dancing or other forms of amusement and entertainment, with the sale or service of food being incidental and accessory thereto. Such establishment may also have one or more of the following characteristics: age restrictions, cover charges, charges for admission, disc jockeys, jukeboxes, amplified sound systems, live entertainment and the like, and hours of operation extended beyond the normal dinner hours. For purposes of this chapter, this definition includes "cabaret" and "disco"; however, a nightclub shall not include a restaurant, bar, tavern or adult use.

NONCONFORMING LOT — A lot of record that does not comply with the area, shape, frontage or locational provisions of this chapter for the district in which it is located.

NONCONFORMING STRUCTURE — A building or structure that was lawfully erected prior to the adoption or amendment of this chapter but that no longer complies with all regulations applicable to the zoning district in which the structure is located.

NONCONFORMING USE — A use or activity that lawfully existed prior to the adoption or amendment of this chapter but fails by reason of such adoption or amendment to conform to the present use requirements of the district in which it is located.

NURSING HOME — See "residential care facility."

OFFICE, GENERAL AND PROFESSIONAL — A building or portion thereof used primarily for conducting the affairs of a business, profession, service, industry or government, and generally furnished with desks, tables, files and communication equipment. No manufacturing processes, retail sales, construction or warehousing occur on the premises.

OFFICIAL NEWSPAPER — The newspaper or newspapers designated by the Village for the publication of official notices of meetings and public hearings.

OPEN-AIR MARKET — An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or

temporary structures. Open-air markets include, but are not limited to, flea markets, farmers' markets and craft fairs.

OUTDOOR SEATING/DINING AREA — An area outside of a restaurant or similar use that provides seating for customers.

OUTDOOR WOOD BOILER — A fuel burning device that is:

- A. Designed to burn wood or other fuels;
- B. Specified by the manufacturer for outdoor installation or installation in structures not normally occupied by humans; and
- C. Used to heat building space and/or water via the distribution, typically through pipes, of a gas or liquid (e.g., water or water/antifreeze mixture) heated in the device.

PARK, PUBLIC — Land that is publicly owned or controlled for the purpose of providing parks, recreation or open space for public use.

PARK; PLAYGROUND — A private or public open area for recreation, which may include accessory parking areas, shelters, picnic tables, rest rooms and other facilities for the use of park patrons. May also be a defined open space, typically interspersed within residential areas, that is designed and equipped for the recreation of children. Playgrounds may be freestanding or located within parks, greens or school sites.

PARKING AS A PRINCIPAL USE — A lot or structure with the sole purpose of temporary parking of registered motor vehicles.

PARKING LOT — A lot devoted to the temporary parking of automobiles, defined by a boundary, with parking spaces delineated.

PARKING SPACE — An off-street space available for the parking of one motor vehicle.

PARKING STRUCTURE — A structure or building used to park cars, including parking garages, parking decks and underground parking.

PARKING, SHARED — Two or more land uses or a multi-tenant building that merges parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and result in a superior grouping of buildings.

PASSENGER TERMINAL — A commercial facility for handling, receiving and transferring passenger traffic, including by car, bus or train. See also "public transportation facility."

PERSON — One or more natural persons, corporations, partnerships, associations and all other entities of any kind, including the agents and employees of same.

PLAT — A map drawn to scale showing the divisions of a piece of land or layout of a proposed subdivision.

PORTABLE STORAGE CONTAINER — A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. This term shall not include dumpsters/roll-off containers or storage containers having storage capacity of less than 150 cubic feet.

PUBLIC UTILITY, MAJOR — Large-scale facilities that primarily serve a regional need, which because of their scale or method of operation are more likely to produce external impacts that are detectable beyond property lines of the subject property. Such facilities include, but are not limited to, electric or gas generation plants and high-voltage transmission lines. This definition shall not include telecommunications towers.

PUBLIC UTILITY, MINOR — Facilities and services that primarily serve local distribution needs, including but not limited to electrical transforming substations, gas regulating stations, telephone exchange/switching centers and broadcasting facilities.

RECREATION FACILITY, INDOOR — An establishment that is operated, maintained or devoted to indoor recreational activities, which is operated for profit or by a nonprofit organization. Recreation facilities may include but are not limited to bowling alleys, athletic fields and courts, batting cages, miniature golf courses, skating rinks, fitness clubs and spas. For purposes of this chapter, the term "recreation facilities" shall not include "shooting ranges." See also "entertainment facility, indoor" and "recreation facility, public."

RECREATION FACILITY, OUTDOOR — An establishment that is operated, maintained or devoted to outside recreation and/or entertainment operated for profit or by a nonprofit organization. The entertainment or recreation is offered by the facility and the principal activity is conducted outside. Such facilities shall include, but not be limited to, skating rinks, batting cages, athletic fields and courts, swimming pools, golf courses and miniature golf courses. For purposes of this chapter, the term "recreational facilities" shall not include "shooting ranges" or "moto-cross tracks." See also "recreation facility, public."

RECREATION FACILITY, PUBLIC — Recreation facilities operated by or on behalf of a governmental entity and open to the general public.

RECREATIONAL VEHICLE (RV) — Any portable vehicle or structure designed to be self-propelled or permanently towable on its own wheels, sometimes referred to as a "fifth-wheel" or "tow-behind," which is designed and intended to be used for temporary living quarters for travel, recreation or vacation purposes.

RECYCLING FACILITY — A building or area of land that serves as a drop-off point for temporary storage for recoverable resources, such as newspapers, glassware, plastics and metal cans, for shipment to a recycling processor or distributor, but at which no processing of such items occurs.

RELIGIOUS INSTITUTION — A building where persons regularly assemble for religious worship and maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. For purposes of this chapter the definition includes "church," "synagogue," "temple," "mosque" or other such place of worship and religious activity.

RESEARCH, DEVELOPMENT LABORATORY FACILITIES — A building or portion of a building in which facilities for scientific research, investigation, testing or experimentation are located, but not facilities for manufacturing or sales of products.

RESIDENTIAL CARE FACILITY — As defined in § 463 of the NYS Social Services Law, a facility operated or subject to licensure by the state that provides a supervised residence for emotionally, physically or socially disabled persons or for persons in need of supervision or juvenile delinquents. This definition includes, but is not limited to, agency-operated boarding homes, group homes or private proprietary homes for adults operated or licensed by the NYS Department of Social Services, group homes operated by, contracted for or licensed by the NYS Division for Youth, and half-way houses operated or licensed by the NYS Division of Substance Abuse Services. The definition does not include community residential facilities for the disabled as defined in § 41.34 of the NYS Mental Hygiene Law.

RESTAURANT — A business establishment whose principal business is the selling of prepared food and beverages to the customer in a ready-to-consume state. For purposes of this chapter, the term restaurant includes "sit-down restaurants" and "take-out restaurants."

RETAIL SALES ESTABLISHMENT — A building or portion thereof engaged in selling goods, services or merchandise to the general public for personal and household consumption. For purposes of this chapter,

some retail establishments are also separately defined.

RIGHT-OF-WAY — Property that is publicly owned or upon which a governmental entity has an expressed or implied property interest, e.g., fee title or easement, held for a public purpose. Examples of such public purpose include, by way of example and not by limitation, highways, streets, sidewalks, drainage facilities, crosswalks, railroads, roads, electric transmission lines, oil or gas pipelines, water mains, sanitary or storm sewer mains or shade trees. The use of the term "right-of-way" for subdivision platting purposes means that every right-of-way established and shown on a final plat is separate and distinct from the lots or parcels adjoining the right-of-way, and is not included within the dimensions or areas of such lots or parcels. Rights-of-way involving maintenance by a public agency are dedicated to public use by the maker of the plat on which the right-of-way is established.

ROADSIDE STAND — A direct marketing operation offering outdoor shopping. Such an operation is seasonal in nature and features food stands such as, but not limited to, hot dog stands, locally produced agricultural products, enhanced agricultural products and handmade crafts. For purposes of this chapter, the definition includes "farm stands."

SANDWICH BOARD — A portable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an "A."

SCHOOL — A public or private facility furnishing comprehensive curriculum of academic instruction on the pre-kindergarten, kindergarten, primary and/or secondary level.

SCREENING — The act of placing landscape features, such as trees, bushes, shrubs, or human-made screens, such as fences or berms, to reduce the impact of development on nearby properties.

SELF-STORAGE FACILITY — An establishment that permits customers to store their own materials in private, commercially available warehousing space in individual lockable units accessible from outside driveways or from indoor hallways.

SELF-STORAGE FACILITY, MINI — A public facility for the temporary storage of personal, household or business property that is serviced by the owner of the stored property or an agent of the owner of the stored property. The term "mini-self-storage facility" shall not be construed to mean "warehouse" and shall not be used for the transfer, shipping or receiving of products or goods in conjunction with a business operation.

SELF-STORAGE UNIT, MINI — A building or group of buildings divided into separate units or compartments not to exceed 200 square feet in size. Each unit or compartment shall be divided from the floor to the ceiling by a wall and shall have an independent entrance from the exterior of the unit. There shall be no electrical outlets permitted inside any unit.

SENIOR HOUSING — A facility consisting of three or more dwelling units, the occupancy of which is limited to persons where at least one of the occupants is 55 years of age or older. The facility may include medical facilities or care. Senior housing shall typically consist of attached dwelling units but may include detached dwelling units as part of a wholly owned and managed senior development.

SERVICE ESTABLISHMENTS — An establishment or place of business primarily engaged in the provision of frequent or recurrent services or assistance, as opposed to products. This shall include personal, financial, repair, professional or business services. For purposes of this chapter, some service-related establishments are also separately defined.

SETBACK — The minimum distance required for compliance with this chapter as measured by the shortest horizontal line between any portion of any structure and the lot line, human-made structure or topographical or natural feature designated as being the reference point from which such minimum setback is measured.

SHED — Any accessory structure used for storage or containment.

SHELTER FOR THE DISPLACED — A facility operated by a provider, other than a residential care facility, that provides temporary overnight accommodations to displaced persons and/or families. For purposes of this definition, a "provider" shall mean a government agency or private nonprofit organization that provides, or contracts with recognized community organizations to provide, emergency or temporary shelter.

SHOOTING RANGE — Land used for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games or temporary competitions.

SHOPPING CENTER — A group of four or more retail establishments sharing a common site and having either common walls or a common roof structure.

SHORELINE — The line at which land adjoins the waters of lakes, ponds, rivers and streams.

SHORELINE FRONTAGE — The distance measured along the shoreline as it winds and turns between the boundary lines of a lot as they intersect the shorelines of any river.

SHORELINE SETBACK — The minimum horizontal distance between any point of a building and the shoreline of any pond, brook, stream or river.

SIDEWALK — Any strip or section of concrete or granite, the primary purpose of which is a walkway.

SIGN — Any device affixed to or painted or represented directly or indirectly upon a building, structure or land, that directs attention to an object, product, place, activity, person, institution, organization or business, but not including any flag, badge or insignia of any government or government agency, school or religious group or of any civic, charitable, religious, patriotic, fraternal or similar organization, nor any official traffic control device. Each display surface shall be considered to be a sign. See Article IX of this chapter for definitions of specific types of signs.

SIGN, DIRECTIONAL — A sign conveying instructions regarding pedestrian and/or vehicular movement with respect to the premises on which it is located, such as the entrance and exit of a parking area.

SIGN, FREESTANDING — A permanent, self-supporting sign standing alone on its own foundation. This definition shall not include temporary or portable signs. This definition shall include "monument" signs.

SIGN, OFF-PREMISES — A sign located on a parcel of land other than that parcel where the business, service or event advertised is located. For purposes of this chapter, this definition shall also include "billboards."

SIGN, PROJECTING — A sign that projects more than 12 inches perpendicular to the building's face.

SIGN, ROOF — A sign erected upon or above a roof or parapet wall of a building, and which is wholly or partly supported by that building.

SIGN, TEMPORARY — A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time. For purposes of this chapter, a temporary sign is not a "portable sign," which is separately defined and regulated in this section.

SIGN, VEHICULAR — Any vehicle and/or trailer to which a sign is affixed in such a manner that the carrying of the sign is no longer incidental to the vehicle's purpose but becomes the primary purpose of the vehicle.

SIGN, WALL — A sign that is painted on, or attached to, the outside wall of a building, with the face of the sign in the plane parallel to such wall.

SITE PLAN — A rendering, drawing or sketch prepared to specifications and containing necessary elements, as set forth in Article XII of this chapter, that shows the arrangement, layout and design of the

proposed use of a single parcel of land as shown on said plan.

SOLAR ENERGY SYSTEM — A solar collector or other device or structural design feature of a structure that relies upon the sun as an energy source and is capable of collecting, distributing and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use. The following terms define different types of solar energy systems:

- A. **BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM** — A combination of photovoltaic building components integrated into any building envelope system such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials and shading over windows.
- B. **GROUND-MOUNTED SOLAR ENERGY SYSTEM** — A solar energy system that is anchored to the ground and attached to a pole or other mounting system detached from any other structure.
- C. **ROOF-MOUNTED SOLAR ENERGY SYSTEM** — A solar energy system located on the roof of any legally permitted building or structure for the primary purpose of producing electricity for on-site or off-site consumption.
- D. **TIER 1 SOLAR ENERGY SYSTEM** — A solar collection system that is accessory to a principal use to capture solar energy and convert it to electrical energy for on-site and potentially off-site consumption and has a maximum collector surface area of no more than 5,000 square feet.
- E. **TIER 2 SOLAR ENERGY SYSTEM** — A solar collection system that may be principally used to capture solar energy and convert it to electrical energy for off-site sale or consumption and on-site consumption and has a minimum collector area of more than 5,000 square feet.

SPECIAL USE — An allowed use in a district that, because of its unique characteristics, requires individual consideration by the Planning Board before it may be permitted.

STORAGE, OUTDOOR — The keeping of goods, wares, equipment or supplies outside of a structure.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF — That part of a building between a pitched roof and the uppermost full story having a floor area at least half as large as the floor below. Space with clear head room of less than five feet shall not be considered as floor area.

STREET — A public or private way that affords the principal means of access to abutting property.

STREET GRADE — The officially established grade of the street upon which a lot fronts or, if there is no officially established grade, the existing grade of the street.

STREET LINE — The dividing line between a lot and a street right-of-way.

STRUCTURAL ALTERATION — Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE — Anything constructed or erected the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURE, ACCESSORY — A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

SUBDIVISION — The division of any parcel of land into two or more lots, plots or other division of land,

with or without streets, for the purpose of immediate or future sale or building development.

TEMPORARY — Occurring or in place for fewer than or equal to 90 consecutive days.

THEATER — A building or part of a building devoted to the presentation of theatrical or other entertainment performances, including the showing of motion pictures on a paid-admission basis.

THEATER, OUTDOOR — An open lot or part thereof with its appurtenant structures and facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid-admission basis.

TOWNHOUSE — A building on its own separate lot containing one dwelling unit with a private entrance that occupies space from the ground to the roof, and is attached to one or more other townhouse dwelling units by at least one common wall.

TRANSPARENCY — The use of clear glass windows and doors on a building facade as a part of an architectural design.

UNDEVELOPED LOT — Land that is generally in its natural state before development. For purposes of this definition, some clearing of natural vegetation may have occurred on an undeveloped lot.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

USE — The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

USE, PERMITTED — A use of a building, structure, lot or land, or part thereof, that is listed as a permitted use or as a permitted use with a special use permit in Schedule A: Permitted Uses.²¹

USE, PRINCIPAL — The main or primary purpose for which a building, structure and/or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this chapter (see Schedule A). The use of any other building, structure and/or land on the same lot and incidental or supplementary thereto and permitted under this chapter shall be considered an accessory use.

USE, PROHIBITED — A use of a building, structure, lot or land, or part thereof, that is not listed as a permitted use or as a use requiring a special permit in Schedule A: Permitted Uses.²²

VARIANCE, AREA — The authorization by the Zoning Board of Appeals (ZBA) for the use of land in a manner not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE — The authorization by the ZBA for the use of land for a purpose otherwise not allowed or which is prohibited by the applicable zoning regulations. An increase in density or intensity of use shall require a use variance if such increase is not allowed by right or by special use permit.

VEHICLE CHARGING STATION — A facility or area where electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries, when accessory to a principal use of the property.

VEHICLE LEASE, SALES AND RENTAL — A premises, including open areas, other than a street or right-of-way, and including show rooms enclosed within a building used for the display, rental, lease or sale of automobiles, boats, mopeds, motorcycles, snowmobiles, trucks and recreational vehicles.

VETERINARY CLINIC AND HOSPITAL — Any structure where animals or pets are given medical or surgical treatment, including short-term boarding of animals when boarding is for the purpose of monitoring recovery. Animal day care may be provided as an ancillary service; however, this shall not

21. Editor's Note: Schedule A is included as an attachment to this chapter.

22. Editor's Note: Schedule A is included as an attachment to this chapter.

include boarding, kenneling or crematory facilities. For purposes of this chapter, this definition shall also apply to the term "animal hospital."

VOCATIONAL SCHOOL — A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the New York State requirements as a vocational facility. For purposes of this chapter, this definition shall also include "trade school."

WAREHOUSE — The storage and distribution of manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

WATER BODY — Any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high-water mark is established. Wetlands contiguous to the water body are considered part of the water body. A water body is intermittently, seasonally or permanently inundated with water and contains a discernible shoreline and includes ponds, lakes and reservoirs.

WATER-DEPENDENT USES — Activities that require a location in, on, over or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Examples of water-dependent uses include public and private marinas, yacht clubs, boat yards, commercial and recreational fishing facilities, waterborne commerce and ferries.

WATER-ENHANCED OR WATER-RELATED USES — Uses that have no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users is increased significantly when it is adjacent or has visual access to the waterfront.

WATERCOURSE — Any natural or artificial, intermittent, seasonal or permanent, and public or private water body or water segment. A watercourse includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

WETLAND — Areas of vernal pools swamps, marshes, wet meadows, bogs and similar areas saturated by surface water or groundwater sufficient to support distinctive vegetation adapted for life in saturated soil conditions. Wetlands serve as natural habitat for many species of plants and animals and absorb the forces of flood and tidal erosion to prevent loss of upland soil.

WETLAND/WATERCOURSE BUFFER — A specified area surrounding a wetland or watercourse that is intended to provide some degree of protection to the wetland or watercourse from human activity and other encroachment associated with development. The buffer shall be subject to the regulations for wetlands and watercourses as defined in this chapter.

WIND ENERGY CONVERSION SYSTEM, SMALL — A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, or similar technology, that has a rated capacity of not more than 100 kW and is intended to primarily reduce on-site consumption of utility power.

WIRELESS COMMUNICATIONS FACILITIES, SMALL CELL — Low-powered wireless base stations that function like cells in a mobile wireless network, typically covering targeted indoor or localized outdoor areas ranging in size from homes and offices to stadiums, shopping malls, hospitals and metropolitan outdoor spaces. A small cell facility meets both the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; (ii) all other wireless equipment associated with the facility is cumulatively no more than 17 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services. "Small cell wireless facilities" and "microcell

wireless facilities" shall be used interchangeably.

WIRELESS COMMUNICATIONS TOWER — A freestanding structure erected on the ground to support wireless communications antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers.

WIRELESS TELECOMMUNICATIONS SERVICES FACILITY — A structure, facility or location designed or intended to be used as, or used to support, antennas. Includes, without limit, freestanding towers, guyed towers, monopoles, small cell telecommunications facilities on utility poles in the public right-of-way or on property of the Village or of another municipal corporation; also similar structures that employ camouflage technology, including, but not limited to, structures such as a multistory building, steeple, silo, water tower, sign or other similar structure intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, personal telecommunications services, commercial satellite services or microwave telecommunications, but excluding those used exclusively for dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio, and other similar telecommunications.

YARD — An open space on the same lot with a building, unoccupied or obstructed by a portion of a structure from the ground upward, except as otherwise provided in this chapter.

YARD, FRONT — An open space extending across the principal street side of a lot, measured between the side yard lines, the depth of which yard shall be the minimum horizontal distance measured between the curb or the edge of an improved street and the main building or any projection thereof other than steps and unenclosed balconies, not extending more than eight feet from the front of the building, except as otherwise provided by this chapter.

YARD, REAR — An open space extending across the rear of a lot, measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof other than steps and unenclosed balconies not extending more than eight feet from the rear of the building, except as otherwise provided in this chapter. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE — An open space from the front yard to the rear yard between the building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except for steps and as otherwise specified in this chapter.

ZONING DISTRICT — The specially delineated areas or districts within the Village, as delineated on the Zoning Map of this chapter, within which uniform regulations and requirements govern the use, placement, spacing and size of land and buildings.

ARTICLE XVIII
Miscellaneous Provisions

§ 325-123. Repealer.

Chapter 325 of the Village Code, entitled "Zoning," as amended by Local Law No. 1-2006, together with all changes and amendments thereto, is hereby repealed and declared to be of no effect.

§ 325-124. Severability.

If any provision of this chapter or the application thereof to any person, property or circumstances is held to be invalid, the remainder of this chapter and the application of each provision to other persons, property or circumstances shall not be affected thereby.

§ 325-125. Effective date.

This chapter shall take effect upon filing with the NYS Secretary of State.